

Butler County Board of Commissioners

Economic Development and Planning

124 West Diamond Street, PO Box 1208, Butler, PA 16003-1208
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Commissioners

Leslie A. Osche, **Chairman**
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Chief of Economic Development and Planning

Mark S. Gordon

October 26, 2020

Gianna Rosati
EPA Region 3
Rosati.Gianna@epa.gov
1650 Arch Street
Mail Code 3LD50
Philadelphia, PA 19103

Dear Ms. Rosati:

This is to serve as the cover letter to our application for funding from the U.S. Environmental Protection Agency's Community Wide Assessment Grant.

- 1) Applicant Identification: Butler County.
- 2) Funding Requested:
 - a. Assessment Grant Type: Coalition
 - b. Federal Funds Requested: \$600,000
- 3) Location:

Applicant: Butler County: Butler County, PA.

Coalition Members:

Housing & Redevelopment Authority of the County of Butler: Butler County, PA

Butler Economic Development Corporation: City of Butler, PA.
- 4) Property Information for Site-Specific Proposals – not applicable
- 5) Contacts:
 - a. Project Director:

Mark Gordon
724-284-5301
mgordon@co.butler.pa.us

Butler County
P.O. Box 1208.
Butler, PA. 16003-1208

b. Highest Ranking Elected Official:
County Commissioner Leslie A. Osche
Butler County
124 West Diamond St.
Box 1208
Butler, PA. 16003
losche@co.butler.pa.us
724-284-5400

6) Population:

Butler County, PA.	183,862
Butler City, PA.	12,885
East Butler, PA.	801
Saxonburg, PA.	1,531
Slippery Rock, PA.	6,302
Zelienople, PA.	3,683

7) Other Factors Checklist:

- Community population is 10,000 or less --- see above.
- The priority brownfield site is impacted by mine-scarred land – **Site #7** – Page 1.
- The priority sites are adjacent to a body of water – Connoquenessing River – **Sites #8** – Page 1.
- The priority sites are in a federally designated floodplain – **Sites #8, 10, 11, & 12** – Page 1 and 2.
- The reuse of the priority sites will incorporate renewable energy and energy efficient measures – Page 2 and 3.

8) Letter from the State or Tribal Environmental Authority – Attached.

Thank you for your consideration.

Sincerely,
Butler County



Mark Gordon,
Chief of Economic Development and Planning



October 15, 2020

Mark Gordon
Chief of Economic Development and Planning
Butler County
P.O. Box 1208
Butler, PA. 16003-1208

RE: U.S. EPA Brownfields Grant Proposal | State Letter of Acknowledgement
Butler County
Butler County, Pennsylvania

Mr. Gordon:

The Pennsylvania Department of Environmental Protection (DEP) is pleased to support your efforts to redevelop brownfield properties in your community. Returning underutilized lands to productive use improves our environment, safeguards our residents, and helps boost Pennsylvania's economy.

The DEP supports Redevelopment Authority of the Butler County's application for a \$600,000 Brownfields Community-wide Assessment Grant from the U.S. Environmental Protection Agency (EPA). Butler County is leading a Coalition comprised of the Butler County Community Development Corporation and the Housing and Redevelopment Authority of Butler County. The grant will fund both Phase I and Phase II Assessments on selected sites in Butler County, with a focus on the City of Butler including its Federal Opportunity Zone. In addition, the grant will fund several reuse plans on selected targeted sites.

If you have any questions, please contact John Gross by email at johngross@pa.gov or by telephone at 717-783-7502.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Conrad".

Troy Conrad
Director
Bureau Environmental Cleanup and Brownfields

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1a. Targeted Area and Brownfields

1(a)(i) Background and Description of Target Area

Butler County lies just north of Allegheny County, home of the City of Pittsburgh and surrounding suburbs. The southern part of Butler County is both a bedroom community to Pittsburgh and a thriving commercial center. Because of southern Butler County, the County grew 8 % in population between 2000 and 2019. In contrast, the central and northern portions of Butler County have not fared as well with declining population. Currently, due to the pandemic, the entire County is experiencing distress with an unemployment rate of 8.5%. Consequently, in this Coalition Assessment Grant proposal, our entire County will be eligible, however we will target the more distressed central and northern portions, particularly the City of Butler, the County seat. The City of Butler historically was dependent on manufacturing; the employment base has suffered from the decades-long decline in the steel industry. The City of Butler lost 15 % of its population between 2000 and 2019. This decline left a legacy of older brownfield sites in the City of Butler. These sites include former mill sites, small production shops, the Federal Opportunity Zone Main St. Corridor, and abandoned houses.

Manufacturing remains a historically important component of the County economy. It accounts for 14% of direct (not counting the multiplier impact) County employment compared to 9.7% for the State and 8.8% nationally. Manufacturing strengths include: specialty steel, with AK Steel employing 1,500 at its production facility in Butler City; plastics, spurred by the new Shell cracker plant under construction in adjacent Beaver County; and specialty materials. In this Coalition proposal, Butler County has teamed with the Butler Economic Development Corporation (“BEDC”) and the Housing and Redevelopment Authority of the County of Butler (“Authority”). Together, we will continue the work started in 2018 with our current EPA Assessment Grant. That is, we will build on these strengths to create ready sites for industrial expansion, eliminate neighborhood blight, and add to the character and amenities of Butler City and the County.

1(a)(ii) Description of Brownfield Sites.

Priority Sites. These sites were chosen because they are in the distressed portions of our County yet offer reuse potential and/or present environmental threats to the adjacent community. Pullman Rail Car once employed 2,500 in Butler City before closing in the 1980s. Our Coalition Member, BEDC worked to redevelop that site into the Pullman Business Park. **Site #1** (listed below) sits adjacent to the Pullman Park, and is a prime target for redevelopment efforts. Other industrial brownfield sites exist in Butler City (**Sites #3,4,5**) and other distressed portions of our County (**Sites #7**) that are candidates for job creating reuse. In addition, the Butler Main St. Corridor (**Site #2 - a Federal Opportunity Zone**) has experienced some resurgence in recent years, but still suffers vacancies. We want to locate a One-Stop Economic Development Center in this Corridor. Our Coalition Partner, the Authority, also wants to rid Butler City neighborhoods of the blighting influence of abandoned residential structures (**Sites #6**). We also want to ensure that our largest river and sites adjacent (**Sites #8**) are kept clean and available for recreational use.

	Priority Sites	Size	Location	Past/Current Land Use	Site Conditions	Environmental Issues
1	Former AK Steel Site - Plant 2	80	Butler	steel production	vacant & near residential	metals, groundwater
2	Main St. Corridor Sites	10	Butler	commercial district	several vacant properties	asbestos, lead
3	Pullman Office Building	3	Butler	office building	vacant & near residential	asbestos, lead
4	Bantam Jeep Building	5	Butler	jeep production	vacant & near residential	petroleum migration
5	Allegheny Axle	10	Butler	axle production	vacant & near residential	off-site migration
6	Scattered site residential	5	Butler	pre- 1970's constructed	vacant & near residential	asbestos, lead
7	Former Stone Quarry	200	Slippery Rock	stone quarry	rural & near streams	high PH levels
8	Connoquenessing River Sites	10	various	Industrial	along riverfront	floodplain

Other Sites with Reuse Potential		Size	Location	Past/Current Land Use	Site Conditions	Environmental Issues
9	Magnetics	20	East Butler	manufacturing/distribution	vacant industrial	near floodplain
10	Carter Lumber	10	East Butler	manufacturing/distribution	vacant industrial	near floodplain
11	R&D Logistics	20	Slippery Rock	manufacturing/distribution	vacant industrial	near floodplain
12	Halstead Foundry	6	Zelienople	Foundry	vacant & near River	TCE & chemicals
13	Former Industrial Lab	2	Zelienople	lab works	vacant & near residential	asbestos, chemicals
14	Saxonburg Ceramics	10	Saxonburg	ceramics manufacturing	vacant & near residential	asbestos
TOTAL		391				

While we pursue the priority sites, given our current high unemployment, we want to be responsive to market opportunities. We also include the above inventoried sites as reuse opportunities, particularly in the manufacturing sector with its high employment multiplier. See Section 1(b)(ii).

1. (b) Revitalization of the Target Area.

(b) (i) Reuse Strategy and Alignment with Revitalizations Plans

Butler County recently completed an update to its comprehensive plan that reestablishes two major goals:

- **Goal #1:** economic development to create prosperity, and
- **Goal #2:** preservation of our small town and rural quality of life.

By redeveloping these brownfield sites, we accomplish both goals: We bring job creating uses to these sites and focus development on existing sites with existing infrastructure and avoid suburban/rural sprawl.

Goal #1: We have identified inventoried sites that are vacant and where environmental issues pose a deterrent to future use. By identifying and addressing environmental concerns on these sites, they become candidates for immediate reuse. Butler County together with its Coalition Members and Partners then can attract potential users to these sites as we have done with the existing Grant. See Section 4(b). Together, we also work with our Partners (see Section 2(b)) to provide trained employees to these employers. We can replicate this success on several of our inventoried sites, including **Sites #1, 3, 4, 5, 7, 9-14**. Because these sites will remain as industrial/office space, they are consistent with the local land use plans. On several sites, we may need to update local land use plans (**Sites #1&7**), and we have also budgeted for Reuse Plans in this 2021 Grant request.

Goal #2: Businesses and residents today are all seeking amenities that add to the quality of life. It includes everything from a walkable street grid, to a thriving commercial business district, to recreational opportunities. Our Reuse Strategy incorporates quality of life issues consistent with this Goal. For example, with our current 2018 Grant, we are in the process of developing a Reuse Plan for the Main St. Corridor in Butler - the only Federal Opportunity Zone in Butler County. To spur further redevelopment of this Corridor, the County will locate a One-Stop Center for all economic development and workforce activities. Among other things, the Reuse Plan will recommend the most appropriate location. **Sites #2** include several candidate sites for this Center, as well as other underutilized properties in this Corridor. Preserving quality of life in our neighborhoods also requires quickly eliminating blighting conditions such as abandoned/distressed properties. The Authority will acquire and demolish properties identified under **Sites #6** in our inventory. Lastly, our largest river, the Connoquenessing, offers canoeing, kayaking, and fishing, and we want to improve its accessibility and avoid any environmental threats from adjacent riverfront uses (**Sites #8**).

1. (b)(ii) Outcomes and Benefits of Reuse Strategy

As noted above, along with the environmental assessment work, Butler County would also complete Reuse Plans for selected priority projects. The combination of environmental assessment, reuse planning, cleanup where needed, and reinvestment will generate significant benefits for Butler County. With all projects, we

will incorporate or encourage energy efficient design including such items as selecting insulation and windows that reduce the transfer of heat, positioning buildings to maximize solar exposure, and choosing construction professionals with LEED certification. The following outlines these benefits according to the Goals described:

Goal #1. Combining **Sites #1&7** yields approximately 280 acres available for new construction. Based on our experience of 40,000 sq.ft. of construction for every 10 acres, we can generate over 1.1 million square feet of new construction without ever losing farmland or forest. In addition, **Sites #3,4,5 & 9-14**, total approximately 300,000 sq.ft. of existing structures that will be sustainably reused and repurposed. Combining the new construction with the reuse of existing structures, we have the potential to generate 1.4 million square feet of redevelopment and \$140 million of investment with 1,400 jobs. Again, we can generate this growth in our County without losing an acre of farmland or open space. According to the Economic Policy Institute, these manufacturing and distribution jobs also generate a high employment multiplier in the range of 5 to 1. The 1,400 jobs on these sites can generate an additional 7,000 local and regional jobs due to spending by the employer on supplies and spending by employees with their paychecks.

Goal #2. Improvements to quality of life are difficult to quantify but have strategic value. Our County leadership made the redevelopment of **Site #2-Butler Main St. Corridor** a priority, leading to its Federal Opportunity Zone designation. Prior to the pandemic, there was an emerging art, cultural and restaurant scene along the Corridor. Locating the “One-Stop Center” will build on that success and generate additional visibility and foot traffic for the Corridor. As one local leader said, “if you see a thriving Main St., you assume a thriving City and County.” This, in turn, helps attract residents and businesses. The BEDC will renovate an existing structure of approximately 12,000 sq.ft. for the “One-Stop Center”, and house several Coalition Members and Partners. This will generate over \$2 million of new investment and lead to spillover investment in the Corridor of another \$2 to \$3 million of investment. The blight elimination program (**Sites #6**) will also yield additional neighborhood reinvestment. Finally, redevelopment of **Site #8**, will encourage riverfront use and provide a coveted recreational amenity. All these amenities, in turn, attract the employers on the industrial sites above.

1.(c) Strategy for Leveraging Resources. 1(c) (i). Resources Needed for Site Reuse

For the Sites described Under **Goal #1** above, we will pursue all available public funding for environmental assessment, cleanup, and then manufacturing and industrial development. This includes the State Industrial Site Reuse Program (“ISRP”), U.S. EPA Cleanup Grant, U.S. EDA Economic Adjustment Assistance, U.S.D.A Rural Business Opportunity Grant, US. Appalachian Regional Commission, and the State Business in Our Sites Program, among others. The BEDC has leveraged over \$10 million of these sources for development of the Pullman Business Park. The BEDC will use several of these programs for the renovation of our “One-Stop” Center on the Main. St. Corridor. As described above, we also recruit private companies and complement their investment with State programs available through our PA. Department of Community and Economic Development (“DCED”) such as the Small Business First Program.

Under **Goal #2**, the Main St. Corridor redevelopment project (**Site #2**) can pursue investors through available Federal Opportunity Zone Funds. For **Sites #6**, our Coalition Partner - the Authority, will pursue Federal Home Loan Programs and State PA. Housing Finance Programs with the potential to add Community Development Brock Grant funding. Recently, the Authority was awarded a \$650,000 Grant from the State for blight remediation. For the Connoquenessing Riverfront **Sites #8**, we will pursue funding through our State Department of Conservation and Natural Resources and regional foundations..

In addition, Butler County has used the proceeds from Marcellus Share impact fees to finance a \$35 million bond issue for infrastructure development. The County or individual municipalities are be able to borrow under the County credit rating, with an interest rate of approximately 1.5%. Several of our brownfield sites

(Sites #1) are good candidates for infrastructure improvements using these bond proceeds. As further evidence of our ability to leverage resources, over the last three years, Butler County was awarded two BUILD Grants from the U.S. Department of Transportation totaling \$45 million.

(c) (ii). **Infrastructure Reuse.** Almost all our inventoried brownfield sites are infill sites within existing communities. Consequently, these sites have the advantage of being serviced by existing infrastructure including roads, water, sewer, stormwater, electric, and gas. These sites can use the existing infrastructure main lines; these lines are intact and have capacity to absorb the new development. This will lower development costs in comparison to a greenfield development and also avoid costly and time-consuming permits for such items as earth disturbance and storm water retention. It gives our brownfield sites a significant advantage over new “greenfield” development.

For the two sites (#1 and #7) involving new construction of business parks and new infrastructure, funding is available through the Infrastructure Bank described above. Subdivision plans will be developed for each Park, and roads and main lines will eventually need to be extended to each development parcel. This includes water, sewer, electric and gas. In addition to proceeds from the Infrastructure Bank, the BEDC can also seek funding from the U.S.EDA for the roads and publicly owned infrastructure (on the street). For the private laterals to each site, Butler County and BEDC can assist the owner in accessing programs through the State DCED.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

2.(a) Community Need.

2. (a) (i) The Community’s Need for Funding

	Butler	Butler County	Pennsylvania	U.S.
Population	12,885	187,853	12,801,989	328,239,523
% change since 2010	-6.3%	2.2%	0.8%	6.3%
Poverty Rate	26.9%	8.7%	12.0%	10.5%
Median Household Inc.	\$33,034	\$66,472	\$59,445	\$60,293
% over 65	19.4%	14.1%	18.7%	16.5%
Unemployment	10.0%	5.2%	3.9%	3.7%

NOTE: Data except unemployment are from 2019 U.S. Census Community Survey at <https://census.gov/quickfacts/fact/table>

NOTE: Unemployment data are only available pre-COVID for Butler City, so all other data is pre-COVID for valid comparison.

State Unemployment data -PA. Ctr. Workforce Info. at <https://Workstats.dle.pa.gov/Products/County/Profiles>

Federal Unemployment from B.Labor Statistics at www.bls.gov

Because of its small size, shrinking population, and poverty, the City of Butler does not have resources or the expertise to pursue brownfield redevelopment. Median Household Income in Butler City is 1/2 the State/National average. A similar situation exists throughout the County, as it is comprised of 57 municipalities—33 townships, 1 city (Butler) and 23 boroughs. These small towns lack the resources and expertise to address brownfield redevelopment. For example, the City of Butler’s development staff consist of a contracted engineer and a zoning and code enforcement officer. Similarly, Butler County and Coalition members have extremely limited staff to dedicate to brownfield redevelopment. The BEDC has a Director and an assistant. In addition to the lack of staff, there are no local or County financial resources to fund environmental assessments or reuse planning. The State’s ISRP can fund 75% of the cost of environmental assessments, but it is short of funds due to the pandemic, and it does not fund reuse planning. This 2021 Assessment Grant will serve Coalition Members and their communities (particularly Butler City) that lack resources to address brownfields. There is no other available source of funds.

2. (a)(ii). Threats to Sensitive Populations. (1) Health or Welfare of Sensitive Populations

When Pullman Standard closed in the mid 1980's, Butler City and surrounding areas lost over 2,500 jobs. Even with redevelopment of the Pullman Business Park by the BEDC, the City is still recovering. Lower income working class neighborhoods surround our targeted Butler City sites. **Site #1**, with its 80 acres is the most prominent example, but other inventoried **Sites** also contribute to the blight in these neighborhoods. 20% of Butler City residents are under 18; these **Sites** attract careless youngsters. Potential contaminants include lead, asbestos, and heavy metals which can have permanent impacts on lungs, brains, and nervous systems among other things. These **Sites** also impact the welfare of these communities. The combination of reduced population and blighted properties reduce property values and the tax base and have a detrimental impact on the housing market and net worth of homeowners. Approximately 20% of City residents are over 65, this blight robs these senior homeowners of a retirement income, i.e. net worth of their home, and these residents retire in poverty. With this Grant, we will assess the environmental threats on targeted **Sites**, particularly in Butler City, clean them up where needed, and redevelop them. This will reduce the threats to the health and welfare of the old and young in Butler City and throughout Butler County.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions

As described above, our targeted sites in Butler and several others are immediately adjacent to residential neighborhoods. School age children, as well as the elderly are sensitive and vulnerable populations. Combine these adjacencies with the cumulative environmental impacts discussed below, and the health of the residents suffer. Health statistics are not kept for Butler City, however Butler County:

- experienced higher rates of cancer compared to a standardized norm. For males, expected cases were 2,690 and actual cases were 2,988. For females, expected cases were 2,564 and actual cases were 2,735.
- experienced higher cases of cancer of the colon and rectum, lung and bronchus, prostate, urinary and bladder and thyroid than the standardized norm. These cancers can all be affected by environmental factors such as soil and groundwater contamination.
- suffers from idleness, unemployment, and blight which contribute to drug use and the opium crises. In 2018 in Butler County, 46 individuals died of drug overdose. Unemployment in the City of Butler was 10% prior to the pandemic; it is most likely approaching 20% today.

Source: PA. Department of Health – An Analysis of Cancer Incidence in Pennsylvania Counties., 2009-2015.

Again, with the Grant, we will identify environmental threats on targeted sites, eliminate these threats through remediation, and redevelop them. For example, redeveloping **Site #1** alone, could add over 300 direct jobs and over 1,500 indirect jobs in Butler City, and positively impact health conditions, unemployment and stress.

(3) Disproportionately Impacted Populations

As noted, Butler City suffers from a 27% poverty rate and a lack of economic opportunity. This lack of economic opportunity increases the draw of illegal activities and crime, further adding to neighborhood decline. Neglected properties, such as our brownfield sites, also can become a haven for drug dealers and other illegal activity. According to an activist fighting drug use in another city, “you take away their hiding places, you force them onto the street, then if the cops are looking for them, they can find them.” According to public health data from the School of Public Health at the University of Pittsburgh, working class neighborhoods such as in Butler City are particularly susceptible to drug use, because of the physical labor involved with their employment. It starts with painkillers and moves on to more deadly drugs. These brownfield sites in our inventory are hiding places; we need to put them back into productive use. With this Grant, we will take away these hiding places including the residential structures identified under **Site #6**. Another disproportional impact facing Butler City is an old housing stock. According to the 2017 American Community Survey, 93% of the houses were built prior to 1979 and 52% prior to 1939. These homes most likely contain asbestos and lead. With Grant funds, we will identify these contaminants on priority Sites,

particularly **Sites #5**. The Authority will either demolish or rehab blighted property using proceeds from a variety of Federal and State programs as discussed above, and eliminate this threat of lead and asbestos.

2 (b) Community Engagement

2(b)(i) Project Partners (ii) Project Partner Roles

Partner	Contact – phone and e-mail	Specific Role in Project
Butler County Chamber of Commerce	Jordan Grady, Director. 724-283-2222 jordan@butlercountychamber.com	Outreach to members, identify sites, identify investors, provide input at public meetings.
Butler Downtown	John Smith, Exec. Director 724-282-0831 info@butlerdowntown.org	Liaison with its members on Sites #2 , and the “One-Stop Center” project.
Butler Community Development Corporation	Marcie Barlow, Director 724-283-1961 mbarlow@butlercountycdc.com	Assist the BEDC with project management of Site #1 , and outreach to its members.
Butler County Community College (“BCCC”)	Dr. Nicholas Neupauer, 724-287-8711 ext. 8220 Nicholas.Neupauer@bc3.edu	Work to set up training programs for companies that expand/locate on Sites .
International Brotherhood Of Electrical Workers	James Saeler, President, 724-607-1030 jim@ibew5.org	Work with County & BCCC on training and placement of workers on industrial Sites .
United Auto Workers	Dan Green, President, 724-602-0203 ext 2960 dgreen@uawlocal3303.org	Work with County and BCCC on training and placement of workers on industrial Sites .
Allegheny Aquatics	Christina Hadley, Director, 724-391-0416 alleghenyaquaticalliance@hotmail.com	Identified Conn. River – Sites #8 & assist with outreach to property owners. Also organize River cleanup days.

As part of this proposal, Butler County led the Coalition Members in a process that identified the listed sites. Currently, Butler County communicates regularly (at least weekly) with Coalition Members. That communication will continue regarding the management of this Grant. In addition, Butler County meets monthly with Coalition Members to gather input, review progress, and make decisions.

2(b)(iii) Incorporating Community Input

As we did with the current 2018 Grant, Butler County will manage outreach efforts with a 2021 Grant utilizing a five-region approach. Region 1 and 2 are in rural northern Butler County. Region 3 is the central part of the County and includes the City of Butler. Region 4 is Southwestern Butler County, and Region 5 is Southeastern Butler County. Butler County, together with Coalition Partners, hold a regular series of public meetings in each region. The public meetings are designed to solicit public input on all economic development and planning activities, including the 2018 and hopeful 2021 Assessment Grant. In addition, the Butler County Commissioners have monthly public meetings, where updates are provided to the County Commissioners and the County responds to any public comments. At all these meetings, we have signup sheets, and obtain contact information for all attendees. All public comments are recorded as part of the meeting minutes. Butler County will respond to all comments both in person at the meeting, as well in writing via e-mail or U.S. mail. We will organize conference calls or meetings with Coalition members or Partners to develop the appropriate written response to public comments or input. We will then incorporate these comments, as appropriate, into our site selection and reuse plans. We also utilize the local daily newspaper, the Butler Eagle, for an initial Grant announcement seeking public comment, and press releases with any project updates or public meetings. For our **Sites** close to residential areas, we will also post notification of public meetings on telephone poles and community centers within the vicinity of the respective brownfield sites.

With COVID, we do practice social distancing and wear masks at the public meetings in accordance with State guidelines. Should a COVID outbreak force us to again work entirely remotely, we will meet via Zoom or other software. To accommodate those without internet access, we have held public meetings in our County Airport hangar, complete with outdoor heaters. We will do so again if an outbreak occurs.

3 TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

3. (a) Description of Tasks/Activities and Outputs (i) Project Implementation.

Note: Butler County is forgoing the 5% administration fee, and only charging for billable hours to the Grant.

Discussion of EPA-funded activities for both priority sites and other sites:

TASK 1 - Program Management - Cooperative Agreement Oversight and Consultant Selection. Butler County will continue its monthly meetings of its Steering Committee consisting of our Chief of Economic Development & Planning (“Chief”), our Coalition Members, and our selected consulting team. The Committee provides oversight of the Cooperative Agreement and management of the Grant. As an initial Task, we will publicly solicit Qualifications, rank responses according to those Qualifications, and select consultants with the highest rankings. The team will consist of a Qualified Program Manager (QPM) to assist with reporting and site selection, Qualified Environmental Professionals (QEPs) and Qualified Reuse Planners (“QRPs”).

TASK 2 -Community Engagement/Site Selection. Our Steering Committee will seek input from our many stakeholders – our Partners listed above, site owners, public officials, and others. This will include public meetings discussed above. It will also include one-on-one meetings with site owners. Our Steering Committee will weigh such factors as reuse potential, access to transportation, environmental threats, and a cooperative owner or buyer. Our inventoried sites are privately owned, and we will proceed where we can develop a cooperative relationship with the owner/buyer or gain site control. The current inventory was selected by Butler County through input from Coalition Members and our Partners. *Please NOTE: Butler County will assess a minimum of 5 sites and at least one site for each Coalition Member community..*

TASK 2(a) - Obtaining and Securing Site Access. For our priority Sites, our Coalition Members will consider securing site control by acquisition if necessary. Butler County will reach out and maintain relations with private property owners, including those currently listed in our inventory and other sites that may emerge. Building these relationships with the owners is critical to success. As government resources are limited, we can convince many owners/buyers that now is the time to act. Our team will not just identify a potential problem, but help resolve it, if needed, through Pennsylvania’s Land Recycling Act (“Act 2”) voluntary program. To proceed with a Phase II, the owner will execute the site access agreement of the QEP.

TASK 2(b) - Reuse Planning. For selected priority sites such as Sites #1 and 7, we will develop appropriate Reuse Plans. Working with our consultants, we will develop Site Assessments, Market Analysis, a Reuse Vision, Resource Roadmap, and Revitalization Plan for selected sites. Particularly in Butler City, our goal is also to attract both Opportunity Zone investment and other resources. Through these Revitalizations Plans, we will generate renderings and plans that create vision and aggressively recruit leveraged resources.

TASK 3 - Phase Is. On our selected sites, Our QEPs will conduct Phase I Environmental Assessments (ESAs) according to the All Appropriate Inquiry Final Rule at 40 CFR Part 312. In addition, all appropriate inquiries will be conducted in compliance with ASTM Standards to obtain protections from liability under CERCLA.

TASK 4. - Phase IIs & Cleanup Plans. When our QEPs find Recognized Environmental Conditions as part of the Phase I ESA, our Steering Committee will consider Phase II Assessments. On selected sites, our QEPs will then conduct Phase II ESAs according to ASTM E1903-19. Moreover, on selected sites, we will proceed with Cleanup Plans and where appropriate guide the project to obtain the PA. Act 2 Liability Release. Together with our consulting team, we will coordinate Cleanup Plans with appropriate Reuse Plans. In so doing, we will work with appropriate EPA, PA Department of Environmental Protection & PA. Health Department staff.

3(a)(ii) Anticipated Project Schedule (a)(iii) Task/Activity Lead

Key Project Activities	Schedule	Responsibility
TASK 1 – PROGRAM MANAGEMENT		
Completion of Work Plan & MOUs	Pre – Award	Butler County (“BC”)
Public Ad & select QPM & QEPs	3 Month of Award	BC & Coalition Members
ACRES & Quarterly Reports	Ongoing	BC & QPM

Close-Out Report	36 months by September 2024	BC & QPM
TASK2 COMMUNITY PARTICIPATION, SITE SELECTION, AND REUSE PLANS	Ongoing	BC & Coalition Members & Partners
Outreach & Public Input	Ongoing	BC & Coalition Members & Partners
Site Selections	4 months of Award & Ongoing	Steering Committee
Reuse Plans – site selections	6 months of Award	Steering Committee
Reuse Plans – select QRPs	8 months of Award	BC & Coalition Members & QPM
Complete Reuse Plans	9-24 months of Award	Steering Committee & QRPs
TASK 3 – PHASE I ASSESSMENTS	4 months of Award & ongoing	QEPs
Access to sites for Phase II	6 months of Award	Steering Committee & QEPs
TASK 4 – PHASE II ASSESSMENTS	8 months of Award & ongoing	QEPs

3(a)(iv) Outputs

Our outputs will follow in somewhat chronological order as we proceed through grant implementation:

- *Program Management*: 12 Quarterly Reports, ACRES Reporting and updates, Close-out report.
- *Community Participation*: 36 Steering Committee Meetings, 24 Public Meetings with regions.
- *Site Selection/Reuse Planning*: complete site inventory, select 15 sites, complete 2 site/area Reuse Plans.
- *Phase I Assessments*: complete 12 Phase I Environmental Site Assessments (“ESAs”).
- *Phase II ESAs and Cleanup Plans*: complete 15 Phase II ESAs, complete 4 Cleanup Plans.

3(b) Cost Estimates. 3(b)(i)Development of Cost

Butler Budget Categories	Task 1 Program Management	Task 2 Site Selection & Reuse Planning	Task 3 Phase I Assessment	Task 4 Phase II & Cl.-Up Plans	TOTAL
Personnel	\$13,295	\$10,636			\$23,931
Fringe	\$5,983	\$4,786			\$10,769
Travel	\$2,400				\$2,400
Equipment					\$0
Supplies					\$0
Contractual	\$32,901	\$150,000	\$60,000	\$300,000	\$542,901
Other		\$20,000			\$20,000
TOTAL Direct	\$54,579	\$165,422	\$60,000	\$300,000	\$600,000
Indirect Costs	\$0	\$0	\$0	\$0	\$0
Total Budget	\$54,579	\$165,422	\$60,000	\$300,000	\$600,000

Task 1. Program Management and Reporting. Our Chief has the primary management and reporting responsibilities for the Assessment Grant, and he is assisted by our Grants Specialist (“GS”). Their average billable rate for the Grant period \$36.93/hour (plus fringe benefits of 45%), and we have budgeted an average of 3 and 7 hours/month respectively for 36 months to this Task. Because our assigned staff of two has many other responsibilities, we have also budgeted consulting time of \$32,901 to assist with this Task. We also budgeted \$2,400 for travel for a hopeful (post-pandemic) EPA Brownfield Conference ((2 attendees * (\$400 airfare + \$800 for 2 days lodging, food, etc.)

Task 2. Community Participation/Site Selection/Reuse Planning. Our Chief will have primary staff responsibility for Community Participation, Site Selection and Reuse Planning with assistance by the GC. We have budgeted 7 and 1 hour/month respectively for 36 months to this Task. This includes our monthly Coalition Meetings, our outreach to our Partners and regions, and meeting one-on-one with site owners. We

do not directly control any sites in the inventory, so developing working relations with the buyers/owners is critical. We have budgeted \$30,000 of consulting time to assist with this Task and managing the reuse planning. **We budgeted a total of \$120,000 for reuse planning on two selected sites/areas. This will include developing Revitalization Plans and related documents such as the Market Study, Site Reuse Vision, and Resource Roadmap.** We also budgeted \$20,000 in the “Other” Budget Category for the BEDC. This is to assist with initial outreach and communication with site owners.

Task 3. Phase I Assessments: We anticipate selecting 12 sites for Phase I ESAs at an average cost of \$5,000 per assessment. Our Chief and our Coalition Members will review these Phase Is., and their time will be donated as an in-kind contribution.

Task 4. Phase II Assessments & Clean-Up Plans: We anticipate selecting 15 sites for Phase II ESAs, at an average cost of approximately \$20,000 along with 4 cleanup plans. *Please Note: The average cost of Phase II is skewed lower by two considerations: first, we anticipate several asbestos and lead paint surveys for properties brought to us by the Authority, and second we will also seek State ISRP fund when funds become available where the cost exceeds \$40,000, thus lowering the average cost of the Phase IIs and stretching EPA funds.* Our Chief and our Coalition Members will review these Phase IIs., and their time will be an in-kind contribution. **Over 50% of this Coalition Grant will be spent on Phase I & Phase II Assessments.**

3.(c) Measuring Environmental Results. As discussed, our Coalition Committee will meet monthly to track each project through milestones in a timely and efficient manner. This will include addressing any lack of progress by issuing follow up team assignments. Together with our consultants, we developed an Excel spreadsheet that tracks Outputs: Phase I start, Phase I completion and submission to EPA for review, Sampling and Analysis Plan (SAP) submission to EPA, Phase II start, Phase II completion, remediation plan (if necessary), and Pennsylvania ACT 2 (Liability Release) Status, redevelopment start and completion. During and after the environmental assessment process, we will also track the redevelopment effort and the “Outcome” data. We will reach out to Coalition Members, Partners, owners, and others to track such Outcomes as site development status, private investment, public investment, jobs created, blight eliminated, housing units built, recreational space created, and reduction in public health threats. Using these tracking mechanisms, we will file timely Quarterly Reports and Property Reports using ACRES. Within the three-year grant period, we will generate the Close-Out Report. We will continue to track outcomes in ACRES after closing out of the Grant.

4. PROGRAMMATIC ABILITY AND PAST PERFORMANCE

4.(a) Programmatic Capability 4.(a)(i). Organizational Structure

As with our 2018 Grant, Butler County will manage implementation of a 2021 Grant including all reporting requirements. Because of our small staff, we will continue to build a team approach. The staff and Board of the BEDC are closely immersed in the Butler County community. The BEDC will continue to provide outreach assistance with a hopeful 2021 Grant. We will also look for a QPM that both manages all reporting requirements and can assist site owners with participation in the program. We will also hire several QEPs, as the assessment workload is large, and some QEPs are more appropriate for smaller sites and other QEPs for more complex sites. Together, our team meets monthly (Chief, Coalition Partners, QPM) to review progress on selected sites, manage the budget, pursue leveraged resources, and coordinate decisions. On a regular basis, the Chief reports to the County Commissioners on progress with the Grant.

4(a)(ii). Description of Key Staff. In 2017, the Commissioners hired Mark Gordon as Chief. Mark was a senior executive at AK Steel, with 35 years of experience. During his tenure, he has worked closely with public officials in Butler County including the County Commissioners, Coalition Members and Coalition

Partners. Mark will continue to oversee all Assessment Grant activities. He is assisted in fiscal and reporting functions by Sherry Sholes, who has decades of budget management experience. The BEDC is led by Joseph Saeler, who has twenty years of experience working with public officials and private businesses throughout the County. He is also a licensed civil engineer. While we do not anticipate any turnover, we are prepared to fill any vacancies, and are active in organizations that are of value in recruiting candidates.

4(a)(iii) Acquiring Additional Resources. Butler County will publicly advertise for a QPM, QEPs, and QRPs. All public advertisements will include the criteria for the selection of these consultants. We will then rank the responses according to each criteria, and select the consultants with the highest ranking. We anticipate selecting one QPM, three QEPs, and two QRPs. Together with our Coalition Members, we will assemble the best team of consultants in the region. We will also generate timely approvals by our County Commissioners and very rapid implementation of the Assessment Grant. As part of the consultant selection, Butler County will fulfill Federal bidding and minority business/women business reporting requirements.

4.(b) Past Performance and Accomplishments **(b) (i) Currently Has Received an EPA Brownfields Grant.** Butler County received a \$600,000 Community Wide Assessment Grant award, beginning October 1, 2018 through the Grant period ending September 30, 2021. As of October 1, 2020, there is \$163,437.74 remaining. Note: The sites noted below in ***Boldface Italics*** will absorb these remaining funds.

4.(b)(i)(1) Accomplishments. Butler County has proceeded diligently with the implementation of the 2018 Assessment Grant. With our environmental assessment activities, we have assisting in the following:

- ***RBW Property*** – a plastics recycling company now operates on this parcel that sat vacant for several years. We completed Phase I and Phase II ESAs which did not reveal soil or groundwater contamination in excess of State non-residential Medium Specific Concentrations under Act 2. Following these reports, the company is in process of completing acquisition of the Property and has created 30 jobs.
- ***Standard Bent Glass*** – was looking to expand their glass processing facility and planned to generate funds through a sale/leaseback of their Property. We completed a Phase II ESA of this multi-parcel property using both hazardous and petroleum funding. TCE contamination was found in both soil and groundwater, particularly along the border with a neighboring industrial property. We are now in process of completing indoor air sampling on both properties to determine the best remediation approach under Act 2.
- ***Butler Technologies*** – is planning an on-site expansion of their printed and wearable electronics business following our completion of a Phase I ESA with no recognized environment conditions.
- ***Butler Eagle Buildings, Main St. Corridor*** – engineering firm purchased these vacant properties for office expansion following our completion of a Phase I ESA with no recognized environmental conditions.
- ***Main St. Corridor Reuse Plan*** – as described, Butler County is planning a “One-Stop Center” along Main St. in Butler City. We are completing a Reuse Plan for this Corridor that will identify the ideal site for this Center, develop plans for other key parcels including the soon to close Butler Middle School, suggest needed public improvements & assemble a Resource Roadmap.
- ***Old Limestone Plant*** – this 130 acre-site sat underutilized for years; we are in the process of completing a Phase II ESA for a buyer with plans to redevelop the site as a multi-parcel distribution center.

(b)(ii)(2) Compliance with Grant Requirements. Butler County has performed 2018 Assessment grant activities in compliance with work plans, terms and conditions, expenditures, and reporting requirements. As described above, we are progressing with site reuse despite operating during this pandemic. We file timely Quarterly Reports, ACRES Updates, and rigorously track the budget. As described throughout this Proposal, brownfield reuse and this Assessment Grant has become a cornerstone of our economic development strategy. A 2021 Assessment Grant will enable us to aggressively continue this strategy and grow the County without sacrificing farms or greenspace. Thank you for your consideration.

THRESHOLD CRITERIA RESPONSE

ELIBILITY INFORMATION

1. Applicant Eligibility

The applicant, Butler County, PA. is a General Purpose Unit of Government and qualified as eligible.

The Coalition is comprised of two other members:

- Housing and Redevelopment Authority of County Butler (“Authority”) – see Letter joining Coalition. The Authority is chartered by the State under the Urban Redevelopment Law, an Act of May, 24, 1945, P.L. 991, No. 385. Excerpts from this Law are included in the Threshold Response Criteria, along with copies of other organization documents of the Authority.
- Butler Economic Development Corporation (“BEDC”) – see Letter joining Coalition. The BEDC is a non-profit organization that is tax-exempt under Section 501 ©(3) of the Internal Revenue Code. The BEDC is a community – based development organization and with this Grant will focus on redevelopment activities in the City of Butler.

2. Community Involvement

2(b)(i) Project Partners (ii) Project Partner Roles

Partner	Contact – phone and e-mail	Specific Role in Project
Butler County Chamber of Commerce	Jordan Grady, Director. 724-283-2222 jordan@butlercountychamber.com	Outreach to members, identify sites, identify investors, provide input at public meetings
Butler Downtown	John Smith, Exec. Director 724-282-0831 info@butlerdowntown.org	Liaison with its members on Sites #2 , and the One-Stop Shop project.
Butler Community Development Corporation	Marcie Barlow, Director 724-283-1961 mbarlow@butlercountycdc.com	Assist the BEDC with project management of Site #1 , and outreach to its members.
Butler County Community College (“BCCC”)	Dr. Nicholas Neupauer, 724-287-8711 ext. 8220 Nicholas.Neupauer@bc3.edu	Work to set up training programs for companies that expand/locate on Sites .
International Brotherhood Of Electrical Workers	James Saeler, President, 724-607-1030 jim@ibew5.org	Work with County & BCCC on training and placement of workers on industrial Sites .
United Auto Workers	Dan Green, President, 724-602-0203 ext 2960 dgreen@uawlocal3303.org	Work with County and BCCC on training and placement of workers on industrial Sites .
Allegheny Aquatics	Christina Hadley, Director, 724-391-0416 alleghenyaquaticalliance@hotmail.com	Identified Conn. River – Sites #8 & assist with outreach to property owners. Also organize River cleanup days..

As part of this proposal, Butler County led the Coalition Members in a process that identified the listed sites. Currently, Butler County communicates regularly (at least weekly) with Coalition Members. That communication will continue regarding the management of this Grant. In addition, Butler County meets monthly with Coalition Members to gather input, review progress, and make decisions.

2(b)(iii) Incorporating Community Input

As we did with the current 2018 Grant, Butler County will manage outreach efforts with a 2021 Grant utilizing a five-region approach. Region 1 and 2 are in rural northern Butler County. Region 3 is the central part of the County and includes the City of Butler. Region 4 is Southwestern Butler County, and Region 5 is Southeastern Butler County. Butler County, together with Coalition Partners, hold a regular series of public meetings in each region. The public meetings are designed to solicit public input on all economic development and planning activities, including the 2018 and hopeful 2021 Assessment Grant. In addition, the Butler County Commissioners have monthly public meetings, where updates are provided to the County Commissioners and the County responds to any public comments. At all these meetings, we have signup sheets, and obtain contact information for all attendees. All public comments are recorded as part of the meeting minutes. Butler County will respond to all comments both in person at the meeting, as well in writing via e-mail or U.S. mail. Butler County will organize conference calls or meetings with Coalition members or Partners to develop the appropriate written response to public comments or input. We will then incorporate these comments, as appropriate, into our site selection and reuse plans. We also utilize the local daily newspaper, the Butler Eagle, for an initial Grant announcement seeking public comment, and press releases with any project updates or public meetings. For our **Sites** close to residential areas, we will also post notification of public meetings on telephone poles and community centers within the vicinity of the respective brownfield sites.

With COVID, we do practice social distancing and wear masks at the public meetings in accordance with State guidelines. Should a COVID outbreak force us to again work entirely remotely, we will meet via Zoom or other software. To accommodate those without internet access, we have held public meetings in our County Airport hanger, complete with outdoor heaters. We will do so again if an outbreak occurs.

3. Documentation of Available Balance on current Assessment Grant.

Butler County has a current balance of \$163,437.74 on Assessment Grant, #BF963629-01-0. See attached print out. \$436,562.26 has been drawn down as of September 30, 2020, which represents 73% of the current Award of \$600,000.

Payment Transaction Confirmation


Payment Request Sequence Number : 09-25-2020 43178140 00002

Payment Request Type :	Summary
Payment Method :	ACH
Bank Relationship :	043306826*****5218
Requested Settlement Date :	09/25/2020
Requested Date and Time :	09/25/2020:10:26
Requestor Reference Number :	DJS SEPTEMBER
Total Items :	1
Total Amount Requested :	\$6,210.00
Total Amount Entered :	\$6,210.00

Recipient : COUNTY OF BUTLER (4229785)

Federal Agency : RTPFC-Grants (68128933)

Cash On Hand : Subtotal :\$6,210.00

Seq # / Item #	Account ID	Account Status	Available Balance	Remittance Code	Remittance Amount	Amount Requested	Payment Request Status
1	BF96362901	Open	 \$163,437.74				Queued to be sent to ACH
	BF96362901- G300NY00 - HAZARDOUS	Open				\$4,770.00	
	BF96362901- G300OR00 - PETROLEUM	Open				\$1,440.00	

LETTERS Joining the COALITION



October 15, 2020

Mark Gordon
Chief Economic Development and Planning
Butler County
P.O. Box 1208
Butler, PA. 16003

Dear Mr. Gordon:

The Housing and Redevelopment Authority Butler County ("Authority") confirms our membership in the Coalition, sponsored by Butler County, seeking funds under the U.S. Environmental Protection Agency's Community-Wide Assessment Grant. The Authority designates Butler County as its agent for any and all duties under this application for funding and for the future grant award from the U.S. Environmental Protection Agency.

We will assist Butler County with identifying potential sites within the County suitable for the Assessment Grant Program. In particular, we will work closely with Butler County to identify existing residential structures and sites for redevelopment under our affordable housing programs. We will also assist with leveraging additional public and private resources and assist with issues of permitting and public approvals. We thank you for undertaking this Brownfield, Redevelopment Initiative.

Sincerely,

HOUSING AND REDEVELOPMENT AUTHORITY
OF THE COUNTY OF BUTLER

A handwritten signature in black ink, appearing to read "Edward P. Mauk".

Edward P. Mauk
CEO



Butler Economic Development Corporation

120 Hollywood Drive
Suite 101
Butler, PA 16001

October 23, 2020

Mr. Mark Gordon
Chief Economic Development and Planning
Butler County
P.O. Box 1208
Butler, PA. 16108

Dear Mark:

The Butler Economic Development Corporation (BEDC) confirms our membership in the Coalition, sponsored by Butler County, seeking funding under the U.S. Environmental Protection Agency's Community-Wide Assessment Grant. BEDC designates Butler County as its agent for any and all duties under this application for funding and for the future grant award from the U.S. Environmental Protection Agency.

We will assist Butler County with outreach to candidate site owners throughout the County, but particularly for the priority sites in Butler City. In particular, we will work closely with Butler County on the former AK Steel site. We will also assist with leveraging additional public and private resources and assist with issues of permitting and public approvals. We thank you for undertaking this brownfield redevelopment initiative.

Sincerely,



Butler Economic Development Corporation

Mission Statement: Butler Economic Development Corporation, (BEDC), is a 501(c)(3), public benefit corporation dedicated to creating jobs in Butler County and the region through investment in infrastructure and buildings to attract and retain employers to the County. As a private not for profit organization, the BEDC must raise money to do the projects that are necessary to ensure economic growth. We partner with state and federal agencies to obtain funds when available, however funding is never assured and we must rely on private industry to fund our projects.

Butler Economic Development Corporation

IRS Letter declaring 501 (c)(3) Tax-Exempt Status

Articles of Incorporation

By-Laws

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

AUG 05 2003

BUTLER ECONOMIC DEVELOPMENT
CORPORATION
112 WOODY DR
BUTLER, PA 16001

Employer Identification Number:
25-1867893

DLN:

17053088821093

Contact Person:

JOSEPH R HERR

ID# 31128

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated February 14, 2002, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity during an advance ruling period.

Based on our records and on the information you submitted, we are pleased to confirm that you are exempt under section 501(c)(3) of the Code, and you are classified as a public charity under the Code section listed in the heading of this letter.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

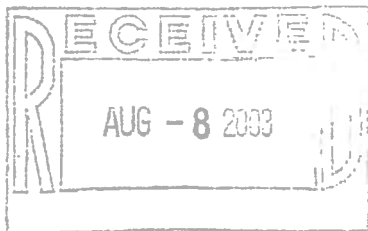
If you have general questions about exempt organizations, please call our toll-free number shown in the heading between 8:00 a.m. - 6:30 p.m. Eastern time.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements



Letter 1050 (DO/CG)

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU
ROOM 308 NORTH OFFICE BUILDING
P.O. BOX 8722
HARRISBURG, PA 17105-8722

495

BUTLER ECONOMIC DEVELOPMENT CORPORATION

THE CORPORATION BUREAU IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. PLEASE NOTE THE FILE DATE AND THE SIGNATURE OF THE SECRETARY OF THE COMMONWEALTH. THE CORPORATION BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA. IF YOU HAVE ANY QUESTIONS PERTAINING TO THE CORPORATION BUREAU, CALL (717) 787-1057.

ENTITIES THAT ARE CHARITIES AND SOLICIT FUNDS SHOULD CONTACT THE BUREAU OF CHARITABLE ORGANIZATIONS FOR REGISTRATION REQUIREMENTS AT DEPARTMENT OF STATE, BUREAU OF CHARITABLE ORGANIZATIONS, SUITE 300 124 PINE STREET, HARRISBURG, PENNSYLVANIA 17101 (717) 783-1720 OR 1-800-732-0999 WITHIN PENNSYLVANIA.

FILE COPY

ENTITY NUMBER: 2793009

MICROFILM NUMBER: 09801

0984-0986

Donald Graham
ESQUIRE ASSIST
COUNTER

9801-984

Microfilm Number _____

Filed with the Department of State on _____

JAN - 6 1998

Entity Number 2793009

Secretary of the Commonwealth

ARTICLES OF INCORPORATION-DOMESTIC NONPROFIT CORPORATION
DSCB:15-5306 (Rev 90)

In compliance with the requirements of 15 PaC.S. 55306 (relating to articles of incorporation), the undersigned, desiring to incorporate a nonprofit corporation, hereby states that:

1. The name of the corporation is: Butler Economic Development Corporation
2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a) <u>601 Hansen Avenue, Box 10, Butler, Pennsylvania 16001</u>	<u>Butler</u>
Number and Street	City State Zip County

(b) c/o: _____
 Name of Commercial Registered Office Provider

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988 for the following purpose or purposes:
SEE ATTACHED SHEET
4. The Corporation does not contemplate pecuniary gain or profit, incidental or otherwise.
5. The corporation is organized upon a nonstock basis.
6. (Strike out if inapplicable): The corporation shall have no members.

7. (Strike out if inapplicable): The incorporators constitute a majority of the members of the committee authorized to incorporate

by the requisite vote required by the organic law of the association for the amendment of such organic law.

8. The name and address, including street and number, if any, of each Incorporator is:

Name	Address
<u>Jeff Elser</u>	<u>601 Hansen Avenue, Box 10 Butler, PA 16001</u>

JAN -6 98

JAN -9 98

PA Dept. of State

PA Dept. of State

01/28/00 13:20 412 778 6608

DMK

→→ CDC BUTLER

004

01/06/98 10:32 412 778 6608

DMK

→→ ESQUIRE ASST

003

9801-985

9. The specified effective date, if any: Date of filing
month day year hour, if any

10. Any additional provisions of the articles, if any, attach an 8 1/2 x 11 inch sheet of paper.

IN TESTIMONY WHEREOF, the incorporator(s) has/have signed these
Articles of Incorporation this 28th day of OCTOBER,
1997.

Jeff Elser
Signature: Jeff Elser

Signature

Signature

01/28/00 13:21

412 776 6608

DMK

→→ CDC BUTLER

005

01/06/98 10:32

412 776 6608

DMK

→→ ESQUIRE ASST

004

9801-986

ATTACHMENT

The following additional provisions shall be included as a part Of the Articles of Incorporation:

1. The organization is organized exclusively for educational, community and economic development purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501 (c) (3) of the Internal Revenue Code, or corresponding sections of any future federal tax code.

2. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the organization shall be the carrying on or propaganda or otherwise attempting to influence legislation, and the organization shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501 (c)(3) of the Internal Revenue Code, corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

3. Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the County in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

BY-LAWS OF BUTLER ECONOMIC DEVELOPMENT CORPORATION

ARTICLE I — OFFICES

Section 1-1. Registered Office. The registered office of the Corporation shall be located within the Commonwealth of Pennsylvania at such place as the Board of Directors (hereinafter referred to as the "Board of Directors" or the "Board") shall determine from time to time.

ARTICLE II — PURPOSE

Section 2-1. The Corporation. The Corporation is organized exclusively for educational, community and economic development purposes, including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or corresponding sections of any future federal tax code.

ARTICLE III — BOARD OF DIRECTORS

Section 3-1. Board of Directors.

(a) *General Powers.* Except as otherwise provided by law and these Bylaws, all powers of the Corporation shall be exercised by or under the authority of, and the business and affairs of the Corporation shall be managed under the direction of the Board of Directors. Unless the Pennsylvania BCL permits otherwise, this Section 3-1(a) may be modified only by a Bylaw amendment adopted by the shareholders.

(b) *Number.* The number of members of the Board of Directors shall be five (5), or such other number as may thereafter from time to time be determined by the Board of Directors by amendment of these By-Laws.

(c) *Vacancies.* Each Director shall hold office until the expiration of the term for which such Director was selected and until such Director's successor has been selected and qualified or until such Director's earlier death, resignation or removal. Any vacancies on the Board of Directors, including vacancies resulting from an increase in the number of Directors, may be filled by a majority vote of the remaining members of the Board (though less than a quorum) or by a sole remaining Director and each person so selected shall be a Director to serve for the balance of the unexpired term.

(d) *Term.* Each Director's term shall be one (1) year and until a successor has been selected and qualified.

(e) *Qualification.* A Director must be a natural person at least 18 years of age and a resident of the Commonwealth of Pennsylvania.

Section 3-2. Regular Meetings. A regular meeting of the Board of Directors shall be held annually, or at such date, time and place as the Board of Directors in office may designate. At such meeting, the Board of Directors shall elect officers of the Corporation. In addition to such regular meeting, the Board of Directors shall have the power to fix by resolution the date, time and place of other regular meetings of the Board.

Section 3-4. Special Meetings. Special meetings of the Board of Directors shall be held whenever ordered by the Chairman of the Board, if any, by the President, by a majority of the executive committee, if any, or by a majority of the Directors in office.

Section 3-5. Participation in Meetings by Conference Equipment. Any Director may participate in any meeting of the Board of Directors or of any committee (provided such Director is otherwise entitled to participate),

be counted for the purpose of determining a quorum thereof and exercise all rights and privileges to which such Director might be entitled were such Director personally in attendance, including the right to vote, or any other rights attendant to presence in person at such meeting, by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other.

Section 3-6. Notices of Meetings of Board of Directors.

(a) *Regular Meetings.* No notice shall be required to be given of any regular meeting, unless the same is rescheduled to be held at other than the date, time and place for holding such meeting as fixed in accordance with Section 3-3 of these Bylaws, in which event two days' notice shall be given of the date, time and place of such meeting complying with Article VI of these Bylaws.

(b) *Special Meetings.* Written notice stating the date, time and place of any special meeting of the Board of Directors shall be sufficient if given at least one day, as provided in Article VI, in advance of the time fixed for the meeting.

Section 3-7. Quorum; Action by the Board of Directors. A majority of the Directors in office shall be necessary to constitute a quorum for the transaction of business and the acts of a majority of the Directors present and voting at a meeting at which a quorum is present shall be the acts of the Board of Directors. If there is no quorum present at a duly convened meeting of the Board of Directors, the majority of those present may adjourn the meeting from time to time and place to place.

Section 3-8. Informal Action by the Board of Directors. Any action required or permitted to be taken at a meeting of the Directors, or of the members of any committee of the Board of Directors, may be taken without a meeting if, prior or subsequent to the action, a written consent or consents thereto by all of the Directors in office (or members of the committee with respect to committee action) is filed with the Secretary of the Corporation. In addition to other means of filing with the Secretary, insertion in the minute book of the Corporation shall be deemed filing with the Secretary regardless of whether the Secretary or some other authorized person has actual possession of the minute book. Written consents by all of the Directors or committee members, as the case may be, executed pursuant to this Section 3-8 may be executed in any number of counterparts and shall be deemed effective as of the date set forth therein.

Section 3-9. Committees.

(a) *Establishment and Powers.* The Board of Directors of the Corporation may, by resolution adopted by a majority of the Directors in office, establish one or more committees to consist of one or more Directors of the Corporation. Any committee, to the extent provided in the applicable resolution of the Board of Directors or in the Bylaws, shall have and may exercise all of the powers and authority of the Board of Directors, except that a committee shall not have any power or authority as to the following:

- (i) The creation or filling of vacancies in the Board of Directors.
- (ii) The adoption, amendment or repeal of the Bylaws.
- (iii) The amendment or repeal of any resolution of the Board of Directors that by its terms is amendable or repealable only by the Board of Directors.
- (iv) Action on matters committed by the Bylaws or resolution of the Board of Directors to another committee of the Board of Directors, except that if the Board has an executive committee the executive committee may take action upon a subject matter committed by the Bylaws or resolution of the Board of Directors to another committee of the Board of Directors unless the Bylaws or a resolution adopted by the Board of Directors expressly provides that another committee shall have the exclusive authority among the committees of the Board of Directors with respect to such subject matter.

(b) *Alternate Members.* The Board of Directors may designate one or more Directors as alternate members of any committee who may replace any absent or disqualified member at any meeting of the committee or for the purpose of any written action by the committee. In the absence or disqualification of a member and alternate member or members of a committee, the member or members thereof present at any

meeting and not disqualified from voting, whether or not such member or members constitute a quorum, may unanimously appoint another Director to act at the meeting in the place of the absent or disqualified member.

(c) *Term.* Each committee of the Board of Directors shall serve at the pleasure of the Board of Directors.

(d) *Status of Committee Action.* The term "Board of Directors" or "Board," when used in any provision of these Bylaws relating to the organization or procedures of or the manner of taking action by the Board of Directors, shall be construed to include and refer to any executive or other committee of the Board of Directors. Any provision of these Bylaws relating or referring to action to be taken by the Board of Directors or the procedure required therefor shall be satisfied by the taking of corresponding action by a committee of the Board of Directors to the extent authority to take the action has been delegated to the committee pursuant to this Section 3-9.

Section 3-10. Nominations. Nominations for the election of Directors may be made by the Board of Directors or by a committee appointed by the Board of Directors with authority to do so.

Section 3-11. Election. The Board of Directors will elect the succeeding Board of Directors at the Annual Meeting from the Nominees of Section 3-10.

ARTICLE IV — OFFICERS

Section 4-1. Election and Office. The Corporation shall have a President, a Secretary and a Treasurer who shall be elected by the Board of Directors. Any number of offices may be held by the same person. The President and the Secretary shall be natural persons of the age of 18 years or older. The Treasurer may be a corporation, but if a natural person shall be of the age of 18 years or older.

Section 4-2. Term. The officers and assistant officers shall each serve at the pleasure of the Board of Directors until the first meeting of the Board of Directors subsequent to the next annual meeting of the Directors or until such officer's earlier death, resignation or removal. Officers may, but need not, be Directors.

Section 4-3. Powers and Duties of the President. Unless otherwise determined by the Board of Directors, the President shall have the usual duties of an executive officer with general supervision over and direction of the affairs of the Corporation. Unless otherwise determined by the Board of Directors, the President shall be the chief executive officer of the Corporation unless the Chairman of the Board is serving as chief executive officer, in which event the President shall be chief operating officer of the Corporation. In the exercise of these duties and subject to the actions of the Board of Directors, the President may appoint, suspend, and discharge employees, agents and assistant officers, fix the compensation of all officers and assistant officers, and unless there is a Chairman of the Board or the President is not a Director, shall preside at all meetings of the Board of Directors at which the President shall be present. The President shall also do and perform such other duties as from time to time may be assigned to the President by the Board of Directors.

Unless otherwise determined by the Board of Directors, the President shall have full power and authority on behalf of the Corporation to attend and to act and to vote at any meeting of the shareholders of any corporation in which this Corporation may hold stock and, at any such meeting, shall possess and may exercise any and all the rights and powers incident to the ownership of such stock and which, as the owner thereof, the Corporation might have possessed and exercised. The President shall also have the right to delegate such power.

Section 4-4. Powers and Duties of the Secretary. Unless otherwise determined by the Board of Directors, the Secretary shall be responsible for the keeping of the minutes of all meetings of the Board of Directors and the shareholders, in books provided for that purpose, and for the giving and serving of all notices for the Corporation. The Secretary shall perform all other duties ordinarily incident to the office of Secretary and shall have such other powers and perform such other duties as may be assigned to the Secretary by the Board of Directors. The minute books of the Corporation may be held by a person other than the Secretary.

Section 4-5. Powers and Duties of the Treasurer. Unless otherwise determined by the Board of Directors, the Treasurer shall have charge of all the funds and securities of the Corporation which may come into such officer's hands. When necessary or proper, unless otherwise determined by the Board of Directors, the Treasurer shall endorse for collection on behalf of the Corporation checks, notes and other obligations, and shall deposit the

same to the credit of the Corporation to such banks or depositories as the Board of Directors may designate and may sign all receipts and vouchers for payments made to the Corporation. The Treasurer shall sign all checks made by the Corporation, except when the Board of Directors shall otherwise direct. The Treasurer shall be responsible for the regular entry in books of the Corporation to be kept for such purpose of a full and accurate account of all funds and securities received and paid by the Treasurer on account of the Corporation. Whenever required by the Board of Directors, the Treasurer shall render a statement of the financial condition of the Corporation. The Treasurer shall have such other powers and shall perform the duties as may be assigned to such officer from time to time by the Board of Directors. The Treasurer shall give such bond, if any, for the faithful performance of the duties of such office as shall be required by the Board of Directors.

Section 4-7. Delegation of Office. The Board of Directors may delegate the powers or duties of any officer of the Corporation to any other person from time to time.

Section 4-8. Vacancies. The Board of Directors shall have the power to fill any vacancies in any office occurring for any reason.

ARTICLE V — INTERESTED PARTY TRANSACTIONS

Section 5-1. The Corporation recognizes that the skills, talents and relationships of its officers and members of its Board of Directors are among its richest assets. The Corporation also is aware that acquiring goods or services from, or engaging in transactions with, its officers, directors, members of their families or entities in which they have a financial interest or with which they are affiliated (such persons and entities are referred to collectively as "Interested Parties") may create an appearance of impropriety. In order to protect the corporation against any improper appearance, the Corporation will restrict its business dealings with Interested Parties as follows:

Section 5-1. The corporation may acquire goods or services from, or otherwise transact business with, an Interested Party if the Board determines in its judgment that the goods or services provided to the Corporation are, or the transaction is, on terms no less advantageous to the Corporation than the terms that are available to the Corporation from third parties. Moreover, the Corporation anticipates that any such acquisition may be on terms that are more advantageous to the Corporation than those generally extended by third parties. If an Interested Party offers terms which are as advantageous to the Corporation as terms offered by another vendor, the Corporation may, but shall not be required to, consider other benefits derived by it from the Interested Party (e.g., past or anticipated services rendered or financial support) in selecting between otherwise equally desirable vendors.

Section 5-2. Whenever the Corporation is considering acquiring goods or services from, or entering into a transaction with, an Interested Party, the details that create the Interested Party relationship shall be disclosed to the Corporation in writing. A copy of the disclosure shall be supplied to the Interested Party Transaction Committee (the "Committee") referred to below.

Section 5-3. The Corporation shall enter into a transaction with an Interested Party (an "Interested Party Transaction") only if either the Board of Directors or the Committee is made aware of the information referred to in Subsection 2 and the majority of the Directors then serving or a majority of the Committee members then serving approve the transaction as being fair to and in the best interests of the Corporation. Additionally, the Executive Committee shall have the authority to act for the Board of Directors in granting the approval contemplated by this paragraph. For purposes of the preceding two sentences, any director, Executive Committee member or Committee member who is (or has an interest in or is related to) the Interested Party that is a party to a proposed transaction shall not be considered a director, Executive Committee member or Committee member then serving (including, without limitation, for the purpose of determining a quorum), shall not participate in the vote on the transaction and shall not attend any meeting while approval of the transaction is considered. Notwithstanding the foregoing, however, prior approval by the Board of Directors or the Committee shall not be required if (a) emergency circumstances make such approval impractical (in which event the transaction shall be reported to the Board of Directors promptly after the fact) or (b) if the transaction falls below a *de minimis* threshold established by the Board of Directors or the Committee.

Section 5-4. The Board shall create an Interested Party Transaction Committee (the "Committee"), consisting of members of the Board to which the Board delegates responsibilities to:

(a) Develop procedures and guidelines (collectively called "Policies") regarding Interested Party Transactions. Such Policies shall be reported to the Board of Directors. Policies adopted by the Committee shall be binding upon the Corporation unless disapproved by the Board of Directors.

(b) Monitor transactions with Interested Parties.

(c) Make such recommendations as it may deem appropriate from time to time for actions to be taken by the Executive Committee or the Board of Directors with respect to Interested Party Transactions;

(d) Interpret this Article of the By-laws.

(e) Establish such criteria as it may deem appropriate for *de minimis* transactions that need not be approved hereunder.

(f) Report at least once in each calendar year to the Board of Directors on the activities of the Committee.

ARTICLE VI — NOTICES; COMPUTING TIME PERIODS

Section 6-1. Contents of Notice. Whenever any notice of a meeting is required to be given pursuant to these Bylaws, the Articles or otherwise, the notice shall specify the date, time and place of the meeting; in the case of a special meeting of shareholders or where otherwise required by law or the Bylaws, the general nature of the business to be transacted at such meeting; and any other information required by law. See Section 9-1(a) of these Bylaws.

Section 6-2. Method of Notice. Whenever written notice is required to be given to any person under the provisions of the Articles or these Bylaws, it may be given to the person either personally or by sending a copy thereof by first class or express mail, postage prepaid, or by telegram (with messenger service specified), telex or TWX (with answerback received) or courier service, charges prepaid, or by facsimile transmission, to such person's address (or to such person's telex, TWX or facsimile number) supplied by such Director to the Corporation for the purpose of notice. If the notice is sent by mail, telegram or courier service, it shall be deemed to have been given to the person entitled thereto when deposited in the United States mail or with a telegraph office or courier service for delivery to that person or, in the case of telex, TWX or facsimile transmission, when dispatched. Except as otherwise provided herein, or as otherwise directed by the Board of Directors, notices of meetings may be given by, or at the direction of, the Secretary.

Section 6-3. Computing Time Periods.

(a) *Days to Be Counted.* In computing the number of days for purposes of these Bylaws, all days shall be counted, including Saturdays, Sundays and Holidays; provided, however, that if the final day of any time period falls on a Saturday, Sunday or Holiday, then the final day shall be deemed to be the next day which is not a Saturday, Sunday or Holiday. In computing the number of days for the purpose of giving notice of any meeting, the date upon which the notice is given shall be counted but the day set for the meeting shall not be counted.

(b) *One Day's Notice.* In any case where only one day's notice is being given, notice must be given at least 24 hours in advance of the date and time specified for the meeting in question, by delivery in person, telephone, telex, TWX, facsimile transmission or similar means of communication.

Section 6-4. Waiver of Notice. Whenever any notice is required to be given by law or the Articles or these Bylaws, a waiver thereof in writing, signed by the person or persons entitled to the notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of the notice. Neither the business to be transacted at, nor the purpose of, a meeting need be specified in the waiver of notice of the meeting. Attendance of a person at any meeting shall constitute a waiver of notice of the meeting except where a person attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting was not lawfully called or convened.

ARTICLE VII — LIMITATION OF DIRECTORS' LIABILITY AND

INDEMNIFICATION OF DIRECTORS, OFFICERS AND OTHER PERSONS

Section 7-1. Limitation of Directors' Liability. No Director of the Corporation shall be personally liable for monetary damages as such for any action taken or any failure to take any action unless: (a) the Director has breached or failed to perform the duties of such Director's office under Subchapter C of Chapter 17 of the Pennsylvania Non-Profit Corporation Law, and (b) the breach or failure to perform constitutes self-dealing, wilful misconduct or recklessness; provided, however, that the provisions of this Section shall not apply to the responsibility or liability of a Director pursuant to any criminal statute, or to the liability of a Director for the payment of taxes pursuant to local, Pennsylvania or federal law.

Section 7-2. Indemnification and Insurance.

(a) Indemnification of Directors and Officers.

(i) Each Indemnitee (as defined below) shall be indemnified and held harmless by the Corporation for all actions taken by such Indemnitee and for all failures to take action (regardless of the date of any such action or failure to take action) to the fullest extent permitted by Pennsylvania law against all expense, liability and loss (including without limitation attorneys' fees, judgments, fines, taxes, penalties, and amounts paid or to be paid in settlement) reasonably incurred or suffered by the Indemnitee in connection with any Proceeding (as defined below). No indemnification pursuant to this Section shall be made, however, in any case where the act or failure to act giving rise to the claim for indemnification is determined by a court to have constituted wilful misconduct or recklessness.

(ii) The right to indemnification provided in this Section shall include the right to have the expenses reasonably incurred by the Indemnitee in defending any Proceeding paid by the Corporation in advance of the final disposition of the Proceeding to the fullest extent permitted by Pennsylvania law; provided that, if Pennsylvania law continues so to require, the payment of such expenses incurred by the Indemnitee in advance of the final disposition of a Proceeding shall be made only upon delivery to the Corporation of an undertaking, by or on behalf of the Indemnitee, to repay all amounts so advanced without interest if it shall ultimately be determined that the Indemnitee is not entitled to be indemnified under this Section or otherwise.

(iii) Indemnification pursuant to this Section shall continue as to an Indemnitee who has ceased to be a Director or officer and shall inure to the benefit of such person's heirs, executors and administrators.

(iv) For purposes of this Article, (A) "Indemnitee" shall mean each current or former Director and current or former officer of the Corporation who was or is a party to, or is threatened to be made a party to, or is otherwise involved in, any Proceeding, by reason of the fact that such person is or was a Director or officer of the Corporation or is or was serving in any capacity at the request or for the benefit of the Corporation as a director, officer, employee, agent, partner, or fiduciary of, or in any other capacity for, another corporation or any partnership, joint venture, trust, employee benefit plan, or other enterprise; and (B) "Proceeding" shall mean any threatened, pending or completed action, suit or proceeding (including without limitation an action, suit or proceeding by or in the right of the Corporation), whether civil, criminal, administrative, investigative or through arbitration. If a Director or officer of this Corporation serves as a director, officer, employee, agent, partner or fiduciary of another entity and (a) this Corporation has at least a 50% equity interest in such other entity and such person has no equity interest in such other entity, or (b) such other entity is directly or indirectly controlled by this Corporation, such person shall be presumed (unless this Corporation produces clear and convincing evidence to the contrary) to be serving in the position with the other entity at the request and for the benefit of this Corporation.

(b) *Indemnification of Employees and Other Persons.* The Corporation may, by action of its Board of Directors and to the extent provided in such action, indemnify employees and other persons as though they were Indemnitees. Directors and officers of entities which have merged into, or have been consolidated with, or have been liquidated into, the Corporation shall not be Indemnitees with respect to Proceedings involving any action or failure to act of such Director or officer prior to the date of such merger, consolidation or liquidation, but such persons may be indemnified by the Board of Directors pursuant to the first sentence of this subsection (b).

(c) *Claims for Indemnification and Advancement of Expenses.* To the extent that an employee or agent of the Corporation has been successful on the merits or otherwise in defense of any Proceeding or in defense of any claim, issue or matter therein, the Corporation shall indemnify such person against expenses

(including attorneys' fees) actually and reasonably incurred by such person in connection therewith. If indemnification under Section 7-2 of these Bylaws or advancement of expenses are not made or paid by the Corporation, or on its behalf, within 90 days after a written claim for indemnification or a request for an advancement of expenses by an Indemnitee has been received by the Corporation, such Indemnitee may, at any time thereafter, bring suit against the Corporation to recover the unpaid amount of the claim and/or the advancement of expenses. The right to indemnification and advancement of expenses provided hereunder shall be enforceable by an Indemnitee in any court of competent jurisdiction, and if indemnification and/or advancement of expenses is obtained by an Indemnitee in whole or in part, the expenses reasonably incurred by such Indemnitee in connection with obtaining such indemnification and/or advancement of expenses shall also be indemnified by the Corporation.

(d) *Non-Exclusivity of Rights.* The rights to indemnification and to the advancement of expenses provided in this Article shall not be exclusive of any other rights that any person may have or hereafter acquire under any statute, provision of the Articles or Bylaws, agreement, vote of shareholders or Directors, or otherwise.

(e) *Insurance.* The Corporation may purchase and maintain insurance, at its expense, for the benefit of any person on behalf of whom insurance is permitted to be purchased by Pennsylvania law against any expense, liability or loss, whether or not the Corporation would have the power to indemnify such person under Pennsylvania or other law. The Corporation may also purchase and maintain insurance to insure its indemnification obligations whether arising hereunder or otherwise.

(f) *Fund for Payment of Expenses.* The Corporation may create a fund of any nature, which may, but need not be, under the control of a trustee, or otherwise may secure in any manner its indemnification obligations, whether arising hereunder, under the Articles, by agreement, vote of shareholders or Directors, or otherwise.

Section 7-3. Amendment. The provisions of this Article VII relating to the limitation of Directors' liability, to indemnification and to the advancement of expenses shall constitute a contract between the Corporation and each of its Directors and officers which may be modified as to any Director or officer only with that person's consent or as specifically provided in this Section. Notwithstanding any other provision of these Bylaws relating to their amendment generally, any repeal or amendment of this Article VII which is adverse to any Director or officer shall apply to such Director or officer only on a prospective basis, and shall not reduce any limitation on the personal liability of a Director of the Corporation, or limit the rights of an Indemnitee to indemnification or to the advancement of expenses with respect to any action or failure to act occurring prior to the time of such repeal or amendment. Notwithstanding any other provision of these Bylaws, no repeal or amendment of these Bylaws shall affect any or all of this Article so as either to reduce the limitation of Directors' liability or limit indemnification or the advancement of expenses in any manner unless adopted by (a) the unanimous vote of the Directors of the Corporation then serving; provided that no such amendment shall have retroactive effect inconsistent with the preceding sentence.

Section 7-4. Changes in Pennsylvania Law. References in this Article VII to Pennsylvania law or to any provision thereof shall be to such law as it existed on the date this Article VII was adopted or as such law thereafter may be changed; provided that (a) in the case of any change which expands the liability of Directors or limits the indemnification rights or the rights to advancement of expenses which the Corporation may provide, the rights to limited liability, to indemnification and to the advancement of expenses provided in this Article shall continue as theretofore to the extent permitted by law; and (b) if such change permits the Corporation without the requirement of any further action by Directors to limit further the liability of Directors (or limit the liability of officers) or to provide broader indemnification rights or rights to the advancement of expenses than the Corporation was permitted to provide prior to such change, then liability thereupon shall be so limited and the rights to indemnification and the advancement of expenses shall be so broadened to the extent permitted by law.

ARTICLE VIII — FISCAL YEAR

Section 8-1. Determination of Fiscal Year. The Board of Directors shall have the power by resolution to fix the fiscal year of the Corporation. If the Board of Directors shall fail to do so, the President shall fix the fiscal year.

ARTICLE IX — AMENDMENTS

Section 9-1. Except as otherwise expressly provided in Section 7-3:

(a) The Board of Directors (but not a committee thereof), shall have the power to alter, amend, and repeal these Bylaws.

ARTICLE X — INTERPRETATION OF BYLAWS; SEPARABILITY

Section 10-1. Interpretation. All words, terms and provisions of these Bylaws shall be interpreted and defined by and in accordance with the Pennsylvania BCL. If any provision of these Bylaws shall be inconsistent with any provision of the Articles, the provision of the Articles shall prevail. Where any provision of these Bylaws refers to a rule or a process as set forth in these Bylaws, the reference shall be construed to include and be satisfied by any rule or process on the same subject set forth in the Articles.

Section 10-2. Separability. The provisions of these Bylaws are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part.

ARTICLE XI — DETERMINATIONS BY THE BOARD

Section 11-1. Effect of Board Determinations. Any determination involving interpretation or application of these Bylaws made in good faith by the Board of Directors shall be final, binding and conclusive on all parties in interest.

Housing and Redevelopment Authority of the County of Butler

Certificate of Organization

By-Laws

Excerpts from Authorizing State Law enabling the creation of Redevelopment Authorities



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AFFAIRS
HARRISBURG

December 21, 1966

I HEREBY CERTIFY that a Certificate dated the 29th day of November, 1966, signed by the Chief Clerk, and bearing the seal of the Commissioners of Butler County, Pennsylvania, reciting the adoption of a resolution by the County Commissioners of Butler County, Pennsylvania, that there is need for a Redevelopment Authority to function within the territorial limits of said County, was duly filed with the Department of Community Affairs, and that attached hereto is a true, correct and compared copy of the original Certificate which is now on file in the office of said Department of Community Affairs.

IN WITNESS WHEREOF the Assistant Director of the Bureau of Community Development of the Department of Community Affairs affixes his hand and seal, duly witnessed, this 21st day of December, 1966.

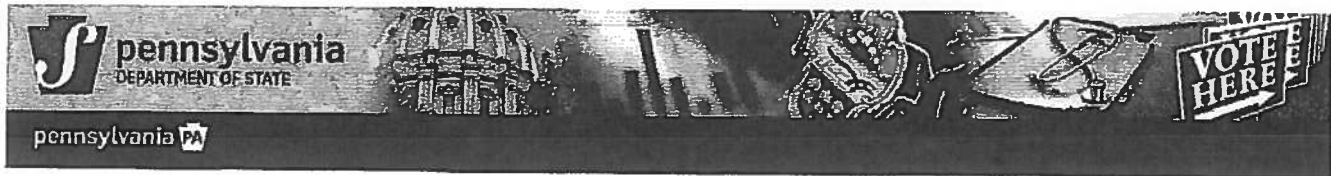
A handwritten signature in cursive script, reading "R. Otto Amann".

R. Otto Amann, Assistant Director
Bureau of Community Development

Witness:

A handwritten signature in cursive script, reading "William A. Good".

William A. Good, Chief
Housing and Redevelopment Division

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Business Entity Filing History

Date: 7/1/2015 (Select the link above to view the Business Entity's Filing History)

Business Name History

Name	Name Type
REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUTLER	Current Name

Redevelopment Authority - Domestic - Information

Entity Number:	50658
Status:	Active
Entity Creation Date:	12/7/1966
Registered Office Address:	(Address Not Available) PA 0-0
Mailing Address:	No Address

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Charlie Bassett

THE SECRETARY OF THE COMMONWEALTH



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
HARRISBURG 17120

December 9, 1966

Miss Elizabeth B. Buchter,
Chief Clerk
County Commissioners Office
Court House
Butler, Pennsylvania 16001

Dear Miss Buchter:

We have approved and filed as of December 7, 1966, Certified Copy of Resolution of the Board of Commissioners of the County of Butler declaring the need for a redevelopment authority to function within said county, under the name of REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUTLER.

In due course, the Certificate of Incorporation will be forwarded to you.

Yours very truly

John E. Groome
John E. Groome
Director, Corporation Bureau

fmk

BYLAWS

BE IT RESOLVED BY THE BOARD OF THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUTLER, PENNSYLVANIA:

That the following Bylaws be and they are hereby adopted and approved as and for the Bylaws of the Redevelopment Authority of the County of Butler, Pennsylvania.

ARTICLE I - THE AUTHORITY

Section 1. Name of Authority. The name of the Authority shall be as specified in its Articles of Incorporation, to wit: THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF BUTLER, PENNSYLVANIA.

Section 2. Seal of Authority. The seal of the Authority shall contain the name of the Authority and the year of its incorporation, and shall be in the form of the seal impressed on the margin hereof, opposite this section.

Section 3. Office of Authority. The office of the Authority shall be at the Court House, Butler, Pennsylvania, but the Board of the Authority may, by proper resolution, designate any other place as the office of the Authority.

ARTICLE II - OFFICERS

Section 1. Officers. The officers of the Authority shall be a Chairman, Vice-Chairman and a Secretary-Treasurer, to be elected from the members of the Board of the Authority.

Section 2. Chairman. The Chairman shall preside at all meetings of the Board of the Authority. Except as otherwise authorized by resolution of the Board of the Authority, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At such meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Authority.

Section 3. Vice-Chairman. The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed on the Chairman until such time as the Board of the Authority shall appoint a new Chairman.

Section 4. Secretary-Treasurer. The Secretary-Treasurer shall keep the records of the Authority, shall act as Secretary of the meetings of the Board of the Authority and record all votes, and shall keep a record of the proceedings of the Board of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Authority, and shall have power to affix such seal to all proceedings and resolutions of the Board of the Authority and to all contracts and instruments authorized to be executed by the Authority. The Secretary-Treasurer shall have the care and custody of all funds of the Authority, and shall deposit the same in the name of the Authority in such bank or banks as the Board of the Authority may select. The Secretary-Treasurer shall sign all orders and checks for the payment of money, and shall pay out and disburse such moneys under the direction of the Board of the Authority. Except as otherwise authorized by resolution of the Board of the Authority, all such orders and checks shall be countersigned by the Chairman. He shall keep regular books or accounts showing receipts and expenditures, and shall render to the Board of the Authority at each regular meeting (or oftener when requested) an account of his transactions and also of the financial condition of the Authority. He shall give such bond for the faithful performance of his duties as the Board of the Authority may determine.

Section 5. Additional duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board of the Authority or the Bylaws or rules and regulations of the Authority.

Section 6. Election or appointment. The Chairman, Vice-Chairman, Secretary-Treasurer shall be elected at the annual meeting of the Board of the Authority from among the members of the Board of the Authority, and shall hold office for one year or until their successors are elected and qualified.

Section 7. Vacancies. Should the office of Chairman, Vice-Chairman, Secretary-Treasurer become vacant, the Board of the Authority shall elect a successor from its membership at the next meeting, and such election shall be for the unexpired term of said office.

Section 8. Additional personnel. The Authority may from time to time employ such personnel as it deems necessary by the Act of 1945, as amended, of Pennsylvania, and all other laws of the Commonwealth of Pennsylvania, applicable thereto. The selection and compensation of such personnel shall be determined by the Board of the Authority subject to the laws of the Commonwealth of Pennsylvania.

ARTICLE III - MEETINGS

Section 1. Annual Meetings. The Annual meeting of the Board of the Authority shall be held on the first Wednesday of February at 8:00 p.m. at the regular meeting place of said Board. In the event such date shall fall on a legal holiday, the annual meeting shall be held on the next succeeding secular day.

Section 2. Regular Meetings. Regular meetings may be held without notice at such times and places as may from time to time be determined by resolution of the Board of the Authority.

Section 3. Special Meetings. The Chairman of the Board of the Authority may when he deems it expedient, and shall, upon the written request of two members of the Board of the Authority, call a special meeting of the Board of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Board of the Authority or may be mailed to the business or home address of each member thereof two days or more prior to the date of such special meeting. General business can be conducted at any special meeting.

Section 4. Quorum. At all meetings of the Board of the Authority three of the members of the Board shall constitute a quorum for the purpose of transacting business; provided, however, that a smaller number may meet and adjourn to some other time or until a quorum is obtained.

Section 5. Order of Business. At the regular meetings of the Board of the Authority, the following shall be the order of business.

1. Roll Call.
2. Reading and approval of minutes of the previous meeting.
3. Bills and communications.
4. Report of the Secretary-Treasurer.
5. Report of the Committees.
6. Unfinished business.
7. New business.
8. Adjournment.

All resolutions shall be in writing and shall be copied in the journal of the proceedings of the Board of the Authority.

Section 6. Manner of Voting. The voting on all questions coming before the Board of the Authority shall be vocal, and the ayes and nays shall be entered upon the minutes of such meeting, unless the vote is unanimous of all members present, and in that case the minutes shall so indicate.

ARTICLE IV - AMENDMENTS

Section 1. Amendments to Bylaws. The Bylaws of the Authority shall be amended only with the approval of at least three of the members of the Board of the Authority at a regular or special meeting.

URBAN REDEVELOPMENT LAW
Act of May 24, 1945, P.L. 991, No. 385
AN ACT

CL. 14

To promote elimination of blighted areas and supply sanitary housing in areas throughout the Commonwealth; by declaring acquisition, sound replanning and redevelopment of such areas to be for the promotion of health, safety, convenience and welfare; creating public bodies corporate and politic to be known as Redevelopment Authorities; authorizing them to engage in the elimination of blighted areas and to plan and contract with private, corporate or governmental redevelopers for their redevelopment; providing for the organization of such authorities; defining and providing for the exercise of their powers and duties, including the acquisition of property by purchase, gift or eminent domain; the leasing and selling of property, including borrowing money, issuing bonds and other obligations, and giving security therefor; restricting the interest of members and employes of authorities; providing for notice and hearing; supplying certain mandatory provisions to be inserted in contracts with redevelopers; prescribing the remedies of obligees of redevelopment authorities; conferring certain duties upon local planning commissions, the governing bodies of cities and counties, and on certain State officers, boards and departments.

Compiler's Note: Section 301(a)(9) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that housing, community assistance and other functions under Act 385 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Compiler's Note: Section 1 of Act 165 of 1970 provided that the limits heretofore imposed by Act 385 upon the rates of interest and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness.

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Section 13. Bonds of an Authority.
Section 13.1. Term Bonds (Repealed).
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Section 15. Provisions of Bonds, Trust, Indentures and
Mortgages.
Section 16. Remedies of an Obligee of Authority.
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Section 18. Aid from Government.
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Section 19.1. Notice to Displaced Persons.
Section 19.2. Statute of Limitations.
Section 20. Effective Date.

The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Short Title.--This act shall be known and may be
cited as the "Urban Redevelopment Law."

Section 2. Findings and Declaration of Policy.--It is hereby
determined and declared as a matter of legislative finding--

(a) That there exist in urban communities in this
Commonwealth areas which have become blighted because of the
unsafe, unsanitary, inadequate or overcrowded condition of the
dwellings therein, or because of inadequate planning of the
area, or excessive land coverage by the buildings thereon, or
the lack of proper light and air and open space, or because of
the defective design and arrangement of the buildings thereon,
or faulty street or lot layout, or economically or socially
undesirable land uses.

(b) That such conditions or a combination of some or all of
them have and will continue to result in making such areas
economic or social liabilities, harmful to the social and
economic well-being of the entire communities in which they
exist, depreciating values therein, reducing tax revenues, and
thereby depreciating further the general community-wide values.

(c) That the foregoing conditions are beyond remedy or
control by regulatory processes in certain blighted areas, or
portions thereof, and cannot be effectively dealt with by
private enterprise under existing law without the additional
aids herein granted, and that such conditions exist chiefly in
areas which are so subdivided into small parcels and in divided
ownerships that their assembly for purposes of clearance,
replanning and redevelopment is difficult and impossible without
the effective public power of eminent domain.

(c.1) That certain blighted areas, or portions thereof, may require total acquisition, clearance and disposition, subject to continuing controls as provided in this act, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation or conservation, and that other blighted areas, or portion thereof, through the means provided in this act, may be susceptible to rehabilitation or conservation or a combination of clearance and disposition and rehabilitation or conservation in such manner that the conditions and evils hereinbefore enumerated may be eliminated or remedied. ((c.1) amended June 26, 1968, P.L.263, No.125)

(d) That the replanning and redevelopment of such areas in accordance with sound and approved plans for their redevelopment will promote the public health, safety, convenience and welfare.

(e) That there exist within the Commonwealth both within and outside of certified redevelopment areas, properties which have become derelict, abandoned or unfit for human habitation or other use by reasons of age, obsolescence, prolonged vacancy, dilapidation, deterioration, lack of maintenance and care or general neglect. ((e) added June 23, 1978, P.L.556, No.94)

(f) That such derelict properties individually and collectively constitute a blight and nuisance in the neighborhood; create fire and health hazards; are used for immoral and criminal purposes; constitute unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood; are harmful to the social and economic well-being of any municipality; depreciate property values; and, generally jeopardize the health, safety and welfare of the public. ((f) added June 23, 1978, P.L.556, No.94)

(g) That there exists a serious shortage of decent, safe or sanitary housing accommodations and for related usages, and that the acquisition of blighted properties for residential and related uses, by eminent domain is a proper public purpose which will promote public health, safety and welfare. ((g) added June 23, 1978, P.L.556, No.94)

(h) That there exists within the Commonwealth, both within and outside certified redevelopment areas, an inadequate supply of residential owner-occupied and rental housing due, in part, to the deterioration of older dwellings, the elimination of substandard dwellings by governmental action, the increased cost of construction and the unavailability of affordable financing from the private sector. ((h) added Mar. 30, 1988, P.L.304, No.39)

(i) That there exists within the Commonwealth, both within and outside certified redevelopment areas, deteriorating commercial and industrial areas and/or individual structures, due, in part, to the fact that there are no private funds available to finance the purchase, construction, rehabilitation, demolition or equipping of the commercial and industrial properties at interest rates that would make the commercial or industrial project economically feasible. Such commercial or industrial projects are needed for the social and economic well-being of communities within the field of operation of authorities. ((i) added Mar. 30, 1988, P.L.304, No.39)

Therefore, it is hereby declared to be the policy of the

Commonwealth of Pennsylvania to promote the health, safety and welfare of the inhabitants thereof by the creation of bodies corporate and politic to be known as Redevelopment Authorities, which shall exist and operate for the public purposes of the elimination of blighted areas through economically and socially sound redevelopment of such areas, as provided by this act, in conformity with the comprehensive general plans of their respective municipalities for residential, recreational, commercial, industrial or other purposes, and otherwise encouraging the provision of healthful homes, a decent living environment and adequate places for employment of the people of this Commonwealth. Such purposes are hereby declared to be public uses for which public money may be spent, and private property may be acquired by the exercise of the power of eminent domain.

(2 amended May 27, 1957, P.L.197, No.98)

Compiler's Note: Section 2 of Act 35 of 2006 provided that as much of section 2 as relates to condemnation of blighted premises and is inconsistent with Act 35 is repealed.

Section 3. Definitions.--The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

(a) "Authority" or "Redevelopment Authority."--A public body and a body corporate and politic created and organized in accordance with the provisions of this act.

(b) "Bonds."--Any bonds, interim certificates, notes, debentures or other obligations of an Authority issued pursuant to this act.

(c) "City."--Any city of the first, second, second class A or third class. The term shall also include any borough with a population large enough for the borough to qualify for a charter as a city, separately from any town, township or other borough, under section 201 of the act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code," for all purposes of this act. "The city" shall mean the particular city or such qualified borough for which a particular Authority is created. ((c) amended Mar. 24, 2004, P.L.152, No.16)

(c.1) "Commercial and Industrial Redevelopment Program."--The financing of the purchase, construction, rehabilitation, demolition or equipping of a commercial or an industrial project as part of the redevelopment of an area designated in the program as needing such assistance by the Authority and in accordance with the program. ((c.1) added Mar. 30, 1988, P.L.304, No.39)

(c.2) "Commercial or Industrial Project."--A commercial or industrial facility, as those terms are used in the zoning ordinances of the municipality for the Authority's field of operation, within an area designated in the Commercial and Industrial Redevelopment Program which by its nature and location has or offers reasonable likelihood of preventing, slowing or reversing the deterioration of the designated area. ((c.2) added Mar. 30, 1988, P.L.304, No.39)

(c.3) "Conservation."--The process of preserving or

restoring existing buildings, public facilities or other improvements to an economically and socially sound condition. ((c.3) amended Mar. 30, 1988, P.L.304, No.39)

(d) "County."--Any county of this Commonwealth, other than a county of the first class. "The county" shall mean the particular county for which a particular Authority is created.

(e) "Field of Operation."--The area within the territorial boundaries of the city or county for which a particular Authority is created: Provided, however, That the field of operation of any county authority shall not include a city having a redevelopment authority but may include, with the consent of any such city, parcels of land within the city limits which are necessary to the corporate purposes of the county authority or necessary to its successful redevelopment of a redevelopment area: And, provided further, That the field of operation of any authority may include parcels of land outside the territorial boundaries of the city or county, as the case may be, which are necessary to the corporate purposes of the authority or necessary to the successful redevelopment of a redevelopment area, with the consent of the governing body of the city or county and the municipality in which the said parcels are situated, as the case may be: Provided, however, That the field of operation of any Authority shall not include parcels of land outside the territorial boundaries of a county unless acquisition thereof has been approved by a majority of the electors voting in a primary or general election in the municipality in which said parcels are situated. ((e) amended June 26, 1968, P.L.263, No.125)

(f) "Governing Body."--In the case of a city, the city council or other legislative body thereof, and in the case of a county, the board of county commissioners or other legislative body thereof.

(g) "Government."--Includes the State and Federal Governments or any subdivision, agency or instrumentality corporate or otherwise of either of them.

(h) "Municipality."--Any county, city, borough or township.

(i) "Obligee of the Authority" or "Obligee."--Any bondholder, trustee or trustees for any bondholders, any lessor demising property to an Authority used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest, or any part thereof, and the Federal Government, when it is a party to any contract with an Authority.

(j) "Planning Commission."--Any planning commission established by law for a municipality of this Commonwealth. "The Planning Commission" shall mean the particular planning commission of the city or county in which a particular Authority operates. Redevelopment authorities shall be substituted for planning commission in any city or county in which a planning commission does not exist.

(k) "Real Property."--Lands, lands under water, structures and any and all easements, air rights, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise. ((k) amended June 26, 1968,

P.L.263, No.125)

(l) "Redeveloper."--Any individual, government, partnership or public or private corporation that shall enter or propose to enter into a contract with an Authority for the redevelopment of an area, or any portion thereof, or any building or structure thereon, under the provisions of this act. ((l) amended June 26, 1968, P.L.263, No.125)

(m) "Redevelopment."--Undertakings and activities for the elimination of blighted areas. Such undertakings and activities may include the planning, replanning, acquisition, rehabilitation, conservation, renewal, improvement, clearance, sale, lease or other disposition of real property, buildings or other improvements in blighted areas, or portions thereof, the relocation of businesses and families affected thereby into or outside of a redevelopment area, or any combination of such undertakings and activities, the installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the blighted area the objectives of this act in accordance with the redevelopment area plan, and carrying out plans for a program of voluntary repair, rehabilitation, and conservation of real property, buildings or other improvements in accordance with the redevelopment area plan. ((m) amended June 26, 1968, P.L.263, No.125)

(n) "Redevelopment Area."--Any area, whether improved or unimproved, which a planning commission may find to be blighted because of the existence of the conditions enumerated in section two of this act so as to require redevelopment under the provisions of this act.

(o) "Redevelopment Area Plan."--A plan for the redevelopment of all or a part of a redevelopment area made by a planning commission in accordance with the provisions of section ten of this act. ((o) amended June 26, 1968, P.L.263, No.125)

(p) "Redevelopment Contract."--A contract between an Authority and a redeveloper for the redevelopment of an area under the provisions of this act.

(q) "Redevelopment Project" or "Project."--A project undertaken by a redeveloper under a contract with an Authority in accordance with the provisions of this act.

(r) "Redevelopment Proposal."--A proposal, including a copy of the redevelopment area plan and supporting data submitted for approval to the governing body by an Authority, for the redevelopment of all or any part of a redevelopment area. ((r) amended May 31, 1955, P.L.107, No.33)

(s) "Residential Housing Redevelopment Program."--The financing of the purchase, construction, rehabilitation, demolition or equipping of a residential housing project as part of the development of an area designated in the program as needing such assistance by the Authority and in accordance with the program. ((s) added Mar. 30, 1988, P.L.304, No.39)

(t) "Residential Housing Project."--A facility within an area designated in the Residential Housing Redevelopment Program which provides residential housing. ((t) added Mar. 30, 1988, P.L.304, No.39)

Section 4. Formation of Authorities.--

(a) There are hereby created separate and distinct bodies corporate and politic, one for each city and one for each county of the Commonwealth, as herein defined. Each such body shall be known as the Redevelopment Authority of the city or the county, as the case may be, but shall in no way be deemed to be an instrumentality of such city or county, or engaged in the performance of a municipal function. Each such Authority shall transact no business or otherwise become operative until and unless a finding is made as hereinafter provided in this section.

(b) At any time after passage of this act the governing body of any city or county may find and declare by proper ordinance or resolution that there is need for an Authority to function within the territorial limits of said city or county, as the case may be.

(c) The governing body shall cause a certified copy of such ordinance or resolution to be filed with the Department of State and a duplicate thereof with the Department of Community Affairs; upon receipt of the said certificate the Secretary of the Commonwealth shall issue a certificate of incorporation.

((c) amended June 26, 1968, P.L.263, No.125)

(d) In any suit, action or proceeding involving or relating to the validity or enforcement of any contract or act of an Authority, a copy of the certificate of incorporation duly certified by the Department of State shall be admissible in evidence and shall be conclusive proof of the legal establishment of the Authority.

Section 4.1. Dissolution of City Authorities.--If a city authority has never issued any bonds, or incurred any other debts or contractual obligations, or has paid and has been released from and discharged of all debts and bonded, contractual and other obligations, the governing body of the city may, after three years from the date of the certificate described in subsection (c) of section 4, or earlier if a proper resolution of the authority requests the action hereinafter described, find and declare by proper resolution that its functions can be more properly carried out by a county authority and that there is no longer any need for the authority created for such city to function. In such case the governing body shall issue a certificate reciting the adoption of such resolution, and shall cause such certificate to be filed with the Department of State and two duplicates thereof with the Department of Community Affairs. Upon such filing the city authority shall cease to function, and title to any assets held by the authority at that time shall pass to the city. A copy of the certificate described in this section shall be admissible in any suit, action or proceeding and shall be conclusive proof that the authority has ceased to be in existence.

(4.1 added Nov. 16, 1967, P.L.498, No.243)

Section 4.2. Dissolution of County Authorities.--If a county authority has never issued any bonds, or incurred any other debts or contractual obligations, or has paid and has been released from and discharged of all debts and bonded, contractual and other obligations, the governing body of the county may, after three years from the date of the certificate

described in subsection (c) of section 4, or earlier if a proper resolution of the authority requests the action hereinafter described, find and declare by proper resolution that there is no longer any need for the authority created for such county to function. In such case the governing body shall issue a certificate reciting the adoption of such resolution, and shall cause such certificate to be filed with the Department of State and two duplicates thereof with the Department of Community Affairs. Upon such filing the county authority shall cease to function, and title to any assets held by the authority at that time shall pass to the county. A copy of the certificate described in this section shall be admissible in any suit, action or proceeding and shall be conclusive proof that the authority has ceased to be in existence.

(4.2 added Nov. 16, 1967, P.L.498, No.243)

Section 5. Appointment and Qualifications of Members of Authority.--Upon certification of a resolution declaring the need for an Authority to operate in a city or county, the mayor or board of county commissioners thereof, respectively, shall appoint, as members of the Authority, five citizens who, except in the case of cities of the third class, shall be residents of the city or county in which the Authority is to operate. In the case of a city of the third class, a majority of the members of the Authority shall be residents of the city, and the remainder may be nonresidents who own and operate businesses in the city in which the Authority is to operate.

(5 amended Nov. 23, 2004, P.L.943, No.137)

Section 6. Tenure and Compensation of Members of Authority.--The members who are first appointed shall serve for terms of one, two, three, four and five years, respectively, from the date of their appointment as shall be specified at the time of their appointment. Thereafter, the term of office shall be five years. A member shall hold office until his successor has been appointed. Vacancies for unexpired terms shall be promptly filled by the appointing power. A member shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 7. Organization of Authority.--The members of an Authority shall select from among themselves a chairman, a vice-chairman, and such other officers as the Authority may determine. An Authority may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. Three members of an Authority shall constitute a quorum for its meetings. Members of an Authority shall not be liable personally on the bonds or other obligations of the Authority, and the rights of creditors shall be solely against such Authority. An Authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this act, subject always to the supervision and control of the Authority.

Section 8. Interest of Members or Employees.--No member or

employee of an Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by an Authority, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of an Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he shall disclose the same in writing to the Authority and to the Department of Community Affairs and the local governing body, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

(8 amended June 26, 1968, P.L.263, No.125)

Section 9. Powers of an Authority.--An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

(a) To procure from the planning commission the designation of areas in need of redevelopment and its recommendations for such redevelopment;

(b) To study the recommendations of the planning commission for redevelopment of any area and to make its own additional investigations and recommendations thereon; to initiate preliminary studies of possible redevelopment areas to make and assist in implementing (1) plans for carrying out a program of voluntary repair, rehabilitation and conservation of real property, buildings and improvements, (2) plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, (3) plans for the relocation of persons (including families, business concerns and others) displaced by any other Government activities related to the purposes of this act or any activities of the Authority, (4) preliminary plans outlining redevelopment activities for neighborhoods to embrace two or more redevelopment areas, and (5) preliminary surveys to determine if the undertaking and carrying out of a redevelopment project are feasible. ((b) amended June 26, 1968, P.L.263, No.125)

(c) To cooperate with any government, school district or municipality; ((c) amended June 26, 1968, P.L.263, No.125)

(d) To act as agent of the State or Federal Government or any of its instrumentalities or agencies for the public purposes set out in this act;

(e) To arrange or contract with any municipality located, in whole or in part, within the Authority's field of operation, or with the State or Federal Government for the furnishing, planning, replanning, constructing, installing, opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities, or for the acquisition by such municipality, or State or Federal Government of property options or property rights or for the furnishing of property or services in connection with a redevelopment area;

(f) To arrange or contract with the Commonwealth, its agencies, and any municipality to the extent that it is within the scope of their respective functions--(1) to cause the services customarily provided by each of them to be rendered for the benefits of such Authority or the occupants of any redevelopment area; and (2) to provide and maintain parks, recreational centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas; and (3) to plan, replan, zone or rezone any part of the municipality in connection with any redevelopment proposal of the Authority;

(g) To enter upon any building or property in order to make surveys or soundings;

(h) To assemble, purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein from any person, firm, corporation, municipality or government: Provided, That no real property, located outside of a redevelopment area, which is not necessary to the corporate purposes of the Authority nor necessary to the successful redevelopment of a redevelopment area, shall be purchased by the Authority. ((h) amended June 26, 1968, P.L.263, No.125)

(i) To acquire by eminent domain any real property, including improvements and fixtures for the public purposes set forth in this act, in the manner hereinafter provided, except real property located outside a redevelopment area; ((i) amended Dec. 1, 1959, P.L.1637, No.603)

(j) To own, hold, clear, improve and manage real property;

(k) To sell, lease or otherwise transfer any real property located outside of a redevelopment area and, subject to approval by the local governing body, any real property in a redevelopment area: Provided, That with respect to a redevelopment area the Authority finds that the sale, lease or other transfer of any part will not be prejudicial to the sale or lease of the other parts of the redevelopment area, nor be in any other way prejudicial to the realization of the redevelopment proposal approved by the governing body. ((k) amended May 27, 1957, P.L.197, No.98)

(l) To reimburse for their reasonable expenses of removal, any persons (including families, business concerns and others), who have been displaced as a result of any other Government activities related to the purposes of this act or any activities of the Authority; ((l) amended June 26, 1968, P.L.263, No.125)

(m) To insure or provide for the insurance of any property or operations of the Authority against any risks or hazards;

(n) To procure or agree to the procurement of insurance or

guarantees from the State or Federal Government of the payment of any debts or parts thereof incurred by the Authority, and to pay premiums in connection therewith;

(o) To borrow from private lenders or from the State or Federal Government funds, as may be necessary, for the operation and work of the Authority;

(p) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in such investments as may be lawful for executors, administrators, guardians, trustees and other fiduciaries under the laws of this Commonwealth;

(q) To sue and be sued;

(r) To adopt a seal and to alter the same at pleasure;

(s) To have perpetual succession;

(t) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and any contract or instrument when signed by the chairman or vice-chairman of the Authority, or by an authorized use of their facsimile signatures, and by the secretary or assistant secretary, or, treasurer or assistant treasurer of the Authority, or by an authorized use of their facsimile signatures, shall be held to have been properly executed for and on its behalf; ((t) amended June 6, 1963, P.L.79, No.54)

(u) To make and from time to time to amend and repeal by-laws, rules, regulations and resolutions;

(v) To conduct examinations and investigations and to hear testimony and take proof , under oath or affirmation, at public or private hearings, on any matter material for its information;

(w) To authorize any member or members of the Authority to conduct hearings and to administer oaths, take affidavits and issue subpoenas;

(x) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the Authority, or before one or more members of the Authority appointed by it to conduct such hearing;

(y) To apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness, who refuses to obey a subpoena, or who refuses to be sworn or affirmed, or to testify, or, who is guilty of any contempt after summons to appear;

(z) To make available to the government or municipality or any appropriate agency, board or commission, the recommendations of the Authority affecting any area in its field of operation or property therein, which it may deem likely to promote the public health, morals, safety or welfare; ((z) amended Mar. 30, 1988, P.L.304, No.39)

(aa) To make, directly or indirectly, secured or unsecured loans to any purchaser or owner of a residential housing or a commercial or an industrial project for the purpose of financing the purchase, construction, rehabilitation, demolition or equipping of a residential housing or a commercial and industrial redevelopment program; ((aa) added Mar. 30, 1988, P.L.304, No.39)

(bb) To make loans to or deposits with, at the option of the Authority, without requiring collateral security therefor, any

financial institution, in order to enable that financial institution to finance the acquisition, construction, rehabilitation or equipping of a residential housing or a commercial and industrial redevelopment program. For such purposes, an Authority may make such loans as the Authority may determine; receive interest on such deposits as may be agreed to with the financial institution; purchase and hold notes or other obligations secured by mortgages, deeds of trust or security interests in residential housing, commercial or industrial projects or property used as additional security, notwithstanding anything to the contrary elsewhere contained in this act; sell, assign, pledge or encumber any security, including mortgages or other security agreements, held by or granted to the Authority or received in connection with the financing of residential housing or commercial or industrial projects and grant to any trustee, in addition to any other rights or remedies contained therein or in any documents granting such security, such other rights and remedies as may be approved by the Authority. ((bb) added Mar. 30, 1988, P.L.304, No.39)

Section 10. Preparation and Adoption of Redevelopment Proposal.--

(a) An Authority shall prepare a redevelopment proposal for all or part of any area certified by the planning commission to be a redevelopment area and for which the planning commission has made a redevelopment area plan. ((a) amended June 26, 1968, P.L.263, No.125)

(b) The planning commission's certification of a redevelopment area shall be made in conformance with its comprehensive general plan (which may include, inter alia, a plan of major traffic arteries and terminals and a land use plan and projected population densities) for the territory under its jurisdiction or for any greater area for which the field of operation of the Authority has been extended under clause (e) of section 3 of this act. ((b) amended June 26, 1968, P.L.263, No.125)

(c) The planning commission's redevelopment area plan shall include, without being limited to, the following:

(1) The boundaries of the area, with a map showing the existing uses of the real property therein;

(2) A land use plan of the area showing proposed uses following redevelopment;

(3) Standards of population densities, land coverage and building intensities in the proposed redevelopment;

(4) A preliminary site plan of the area;

(5) A statement of the proposed changes, if any, in zoning ordinances or maps;

(6) A statement of any proposed changes in street layouts, street levels, and proposed traffic regulation, including the separation or excluding of vehicular traffic partially or totally from pedestrian traffic; ((6) amended June 26, 1968, P.L.263, No.125)

(7) A statement of the extent and effect of the rehousing of families which may be made necessary from the redevelopment area plan, and the manner in which such rehousing may be

accomplished;

(8) A statement of the estimated cost of acquisition of the redevelopment area, and of all other costs necessary to prepare the area for redevelopment;

(9) A statement of such continuing controls as may be deemed necessary to effectuate the purposes of this act.

(d) In conformity with such redevelopment area plan, the Authority shall prepare a proposal for the redevelopment of all or part of such area. The Authority may, if it deems it desirable, hold public hearings prior to its final determination of the redevelopment proposal. ((d) amended May 31, 1955, P.L.107, No.33)

(e) The Authority shall submit the redevelopment proposal to the planning commission for review. The planning commission shall, within forty-five days, certify to the governing body its recommendation on the redevelopment proposal, either of approval, rejection or modification, and in the latter event, specify the changes recommended.

(f) Upon receipt of the planning commission's recommendation, or at the expiration of forty-five days, if no recommendation is made by the planning commission, the Authority shall submit to the governing body the redevelopment proposal with the recommendation, if any, of the planning commission thereon.

(g) The governing body upon receipt of the redevelopment proposal and the recommendation, if any, of the planning commission shall hold a public hearing upon said proposal. Notice of the time, place and purpose of such hearing shall be published at least once each week for three consecutive weeks in a newspaper of general circulation in the field of operation of the Authority, the time of the hearing to be at least ten days from the last publication of notice. The notice shall describe that portion of the redevelopment area affected by the proposal by boundaries and by city block, street and house number. The redevelopment proposal with such maps, plans, contracts or other documents as form part of said proposal, together with the recommendation, if any, of the planning commission and supporting data shall be available for public inspection for at least ten days prior to the hearing.

At the hearing the governing body shall afford an opportunity to all persons or agencies interested to be heard and shall receive, make known and consider recommendations in writing with reference to the redevelopment proposal.

((g) amended May 27, 1957, P.L.197, No.98)

(h) The governing body shall approve or reject the redevelopment proposal as submitted. The governing body shall not approve a redevelopment proposal unless it is satisfied that adequate provisions will be made to rehouse displaced families, if any, without undue hardship, or if the municipality in which the project is to be located has filed its objections thereto.

((h) amended May 31, 1955, P.L.107, No.33)

(i) Upon approval by the governing body of the redevelopment proposal, as submitted by the Authority, the Authority is authorized to take such action as may be necessary to carry it out. ((i) amended May 31, 1955, P.L.107, No.33)

(j) The redevelopment proposal may contain the form of the redevelopment contract with the redeveloper selected and upon approval by the governing body of the proposal, as hereinbefore provided, the Authority is authorized to execute the said redevelopment contract. If the proposal does not contain the form of the redevelopment contract with the redeveloper selected, the Authority shall not execute a redevelopment contract with a redeveloper thereafter selected, until the said redevelopment contract shall have been approved by the governing body and found to be in substantial conformity with the proposal theretofore approved by the governing body. No additional public hearing notice or publication shall be required with respect to such approval. ((j) added May 31, 1955, P.L.107, No.33)

Section 11. Provisions of the Redevelopment Contract.--

(a) The contract between the Authority and a redeveloper shall contain, without being limited to, the following provisions:

(1) A legal description of the redevelopment area covered by the contract, and a covenant running with land to the effect that no person shall be deprived of the right to live in the redevelopment project, or to use any of the facilities therein by reason of race, creed, color or national origin, and such other easements, or other rights as are to be reserved therein by the Authority;

(2) Plans and such other documents as may be required to show the type, material, structure and general character of the redevelopment project;

(3) A statement of the use intended for each part of the project;

(4) A guaranty of completion of the redevelopment project within specified time limits, which guaranty shall include provisions for the forfeiture of title, in such form and manner as the Authority may prescribe, in the event that the project is not completed timely;

(4-1) A requirement that every prime contract for construction, installation, alteration, repair of, or addition to, the redevelopment project, where the estimated cost shall exceed \$10,000.00, shall contain a provision obligating the prime contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not, the said material, labor, equipment and services enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation, who as subcontractor, or otherwise, has furnished material, supplied or performed labor, rented equipment, or supplied services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment, and further requiring that the redeveloper shall provide to the Authority evidence of financial security for the prompt payment by the prime contractor for materials, supplies,

labor, services and equipment. Such financial security shall equal 100% of the contract amount, shall be in such form as the Authority may prescribe and may include, but not be limited to, any one or a combination of the following:

(i) an appropriate bond from a surety company authorized to do business in this Commonwealth;

(ii) an irrevocable letter of credit from a Federal or Commonwealth-chartered lending institution; or

(iii) a restrictive or escrow account;

(5) A provision that the redeveloper shall be without power to sell, lease or otherwise transfer the redevelopment area, or project, or any part thereof, without the prior written consent of the Authority, until the Authority shall have certified in writing that the redevelopment project has been completed;

(5-1) For all projects in which the estimated construction costs exceed \$1,000,000.00, a requirement that the redeveloper shall provide to the Authority, and shall cause each prime contractor to provide or submit to, a project cost certification performed by one or more independent, third-party certified public accountants establishing the actual total construction costs incurred and paid by the redeveloper and each prime contractor in connection with the redevelopment project. The receipt of the construction cost certification shall be a condition for receiving a certificate of completion;

(6) The amount of the consideration to be paid by the redeveloper to the Authority;

(7) Adequate safeguards for proper maintenance of all parts of the project;

(8) Prohibition against discrimination in the use, sale or lease of any part of the project against any person because of race, color, religion or national origin;

(9) Such other continuing controls as may be deemed necessary to effectuate the purposes of this act;

(b) Any deed or lease to a redeveloper in furtherance of a redevelopment contract shall be executed in the name of the Authority, by its proper officers, and shall contain in addition to all other provisions, such provisions as the Authority may deem desirable to run with the land in order to effectuate the purposes of this act;

(c) Any lease to a redeveloper may provide that all improvements shall become the property of the Authority. The execution of such a lease shall not in itself impose upon the Authority any liability for or by reason of the financing, construction, management or operation of any redevelopment project.

(11 amended Jan. 12, 2004, P.L.1, No.1)

Compiler's Note: Section 4 of Act 113 of 2002, which amended section 11, provided that the amendment of section 11 shall apply to contracts entered into after the effective date of Act 113.

Section 11.1. Preparation and Provisions of a Residential Housing Redevelopment Program and Commercial and Industrial Redevelopment Program.--

(a) The Authority may develop a Residential Housing

Redevelopment Program or a Commercial and Industrial Redevelopment Program for all or part of its field of operation.

(b) The Authority shall submit the redevelopment program to the planning commission for review and approval.

(c) The planning commission, within forty-five days, shall either approve, reject or modify the program as satisfying the public purpose of this act. If the planning commission takes no action within forty-five days, the program shall be deemed approved on the forty-sixth day.

(d) Upon approval by the planning commission, or at the expiration of forty-five days, if no recommendation is made by the planning commission, the Authority is authorized to take such action as may be necessary to carry out the redevelopment program.

(11.1 added Mar. 30, 1988, P.L.304, No.39)

Section 12. Eminent Domain.--Title to any property acquired by an Authority through eminent domain shall be an absolute or fee simple title, unless a lesser title shall be designated in the eminent domain proceedings. The Authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties, as the case may be, of the same class as the city or county in which such Authority is organized to operate. If any of the real property in the redevelopment area which is to be acquired has, prior to such acquisition, been devoted to another public use, it may, nevertheless, be acquired by condemnation: Provided, That no real property belonging to a city, county or to the Commonwealth may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the Public Utility Commission.

Section 12.1. Blighted Property Removal.--

(a) Notwithstanding any other provision of this act, any Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined in this section, either within or outside of a certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential and related reuse and commercial or industrial reuse. This power shall be exercised in accord with the procedures set forth in this section.

(b) Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a blighted property review committee by ordinance of the governing body of the municipality. The committee shall be made up of members as determined in the said ordinance, but shall include at least one member of the governing body, a representative of the Redevelopment Authority, a representative of the appropriate planning commission, and a representative to be designated by the chief executive officer or officers from the executive branch of the government of the municipality.

(c) Blighted property shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up-neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two year tax delinquency.

(8) Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(i) it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;

(ii) it is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or

(iii) the property has been declared abandoned by the owner, including an estate that is in possession of the property.

(d) Residential and related use shall include residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

(e) The blighted property review committee and the appropriate planning commission, upon making a determination that any property is blighted within the terms of this section, must certify said blighted property to the Redevelopment Authority, except that:

(1) No property shall be certified to the Redevelopment Authority unless it is vacant. A property shall be considered vacant if:

(i) the property is unoccupied or its occupancy has not been authorized by the owner of the property;

(ii) in the case of an unimproved lot or parcel of ground, a lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months; or

(iii) in the case of an unimproved lot or parcel of ground, the property has remained in violation of any provision of local building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.

(2) No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this act. The notice shall be served upon the owner or his agent in accord with the provisions of a local ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance.

(3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the responsible department or other officer or agency.

(f) Acquisition and disposition of blighted property under this section shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal as set forth in section 10, but at least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the planning commission of the municipality and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the planning commission certifies that disposition for residential or related use would not be in accord with the comprehensive plan of the municipality.

(g) Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," as amended.

(h) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of this act.

Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

(12.1 amended Oct. 2, 2002, P.L.796, No.113)

Section 13. Bonds of an Authority.--An Authority shall have power to issue bonds for any of its corporate purposes, the principal and interest of which are payable from its revenues generally. Any of such bonds may be secured by a pledge of any revenues, including grants or contributions from the Federal or

State Government, or any agency, and instrumentality thereof, or by a mortgage of any property of the Authority.

The bonds issued by an Authority are hereby declared to have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

The bonds of an Authority created under the provisions of this act and the income therefrom shall at all times be free from taxation for State or local purposes under any law of this Commonwealth.

Neither the members of an Authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof. Such bonds or other obligations of an Authority shall not be a debt of any municipality or of the Commonwealth, and shall so state on their face, nor shall any municipality or the Commonwealth nor any revenues or any property of any municipality or of the Commonwealth be liable therefor.

Section 13.1. Term Bonds.--(13.1 repealed Mar. 30, 1988, P.L.304, No.39)

Section 14. Form and Sale of Bonds.--The bonds of an Authority shall be authorized by its resolution; shall be issued in one or more series; and shall bear such date, mature at such time, and bear interest at such rate as shall be determined by the Authority as necessary to issue and sell such bonds, payable semi-annually, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place, and be subject to such terms of redemption and carry such registration privileges as may be provided in such resolution, or in any trust, indenture or mortgage properly made in pursuance thereof.

The bonds of an Authority may be sold at public or private sale at not less than par and accrued interest. In case any of the officers of an Authority whose signatures appear on any bonds or coupons shall cease to be officers before the delivery of such bonds their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery.

The Authority shall have the power out of any funds available therefor to purchase any bonds issued by it at a price not more than the par value thereof plus accrued interest. All bonds so purchased shall be cancelled. This paragraph shall not apply to the redemption of bonds.

Any bond reciting in substance that it has been issued by an Authority to accomplish the public purposes of this act shall be conclusively deemed in any suit, action or proceeding involving the validity or enforceability of such bond or security therefor to have been issued for such purpose.

(14 amended Mar. 30, 1988, P.L.304, No.39)

Section 15. Provisions of Bonds, Trust, Indentures and Mortgages.--In connection with the issuance of bonds or the incurring of obligations under leases, and in order to secure the payment of such bonds or obligations, an Authority in addition to its other powers shall have power:

(a) To pledge all or any part of its gross or net revenues

to which its right then exists or may thereafter come into existence;

(b) To mortgage all or any part of its real or personal property then owned or thereafter acquired;

(c) To covenant against pledging all or any part of its revenues, or, against mortgaging all or any part of its real or personal property to which its right or title exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any of its real property, and to covenant as to what other or additional debts or obligations may be incurred by it;

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds, in escrow, or otherwise, and as to the use and disposition of the proceeds thereof, to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon, and to redeem the bonds, and to covenant for their redemption, and to provide the terms and conditions thereof;

(e) To covenant, subject to the limitations contained in this act, as to the amount of revenues to be raised each year, or other period of time, as well as to the use and disposition to be made thereof, to create or to authorize the creation of special funds for debt, service or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given;

(g) To covenant as to the use of any or all of its real or personal property, to warrant its title, and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation, and to covenant and prescribe, in the event of default, as to terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(i) To vest in a trustee, or the holders of bonds, or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds, to vest in a trustee the right, in the event of a default by the Authority, to take possession and use, operate and manage any real property and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee, to provide for the powers and duties of a trustee and to limit liabilities thereof, and, to provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds;

(j) To exercise all or any part or combination of the powers herein granted, to make covenants other than and in addition to the covenants herein expressly authorized, to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the Authority, as will tend to accomplish the purposes of this act, by making the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Section 16. Remedies of an Obligee of Authority.--An obligee of an Authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority, and the fulfillment of all duties imposed upon the Authority by this act;

(b) By proceeding in equity to obtain an injunction against any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

Section 17. Additional Remedies Conferable by Authority.--An Authority shall have power by its resolution, trust, indenture, mortgage, lease or other contract to confer upon any obligees holding or representing a specified percentage in bonds, or holding a lease, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction.--

(a) To obtain the appointment of a receiver of any real property of the Authority and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such real property, operate the same and collect and receive all revenues or other income thereafter arising therefrom, and shall keep such moneys in a separate account and apply the same in accordance with the obligations of the Authority as the court shall direct;

(b) To require the Authority, and the members thereof, to account as if it and they were the trustees of an express trust.

Section 18. Aid from Government.--In addition to the powers conferred upon an Authority by other provisions of this act, an Authority is empowered to borrow money or accept grants or other financial assistance from the Government, for or in aid of any of its operations. It is the purpose and intent of this act to authorize every Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Government in any of its operations.

(18 amended June 26, 1968, P.L.263, No.125)

Section 19. Records and Reports.--

(a) The books and records of an Authority shall at all times be open and subject to inspection by the Department of Community Affairs;

(b) An Authority may file with the Department of Community Affairs such information and reports as it may from time to time deem desirable, and shall file with them;

(1) A copy of all by-laws and rules and regulations and amendments thereto, adopted by it, from time to time.

(2) Copies of all redevelopment proposals and redevelopment contracts, as well as of any changes, which may be made therein.

(3) At least once each year a report of its activities for the preceding year, and such other reports as said department may require. Copies of such reports shall be filed with the mayor and governing body of the city or with the county board of commissioners, as the case may be.

(19 amended June 26, 1968, P.L.263, No.125)

Section 19.1. Notice to Displaced Persons.--

(a) A redevelopment authority in a city of the first class intending to alter or demolish property in furtherance of authority projects or programs shall give timely notice to all occupants required by such alteration or demolition to vacate the property.

(b) Notice shall be given at the earliest practicable time prior to the dislocation of persons affected, but no later than 30 days prior to the commencement of the alteration or demolition of the property.

(c) The form of notice shall include, but not be limited to, posters or other graphic materials of sufficient size and design as will reasonably draw attention and which will reasonably inform the occupants of the property of the impending alteration or demolition and the date by which the occupants must vacate the property. Posters or other graphic materials shall be posted on and about the property in sufficient numbers as to reasonably draw the attention of all occupants of the property.

(d) This section shall not be construed to relieve any authority of any duty to occupants of property as provided by law or regulation, including, but not limited to, the relocation assistance provisions of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," and regulations promulgated thereunder.

(19.1 added Apr. 18, 1978, P.L.39, No.21)

Section 19.2. Statute of Limitations.--

Notwithstanding the provisions of 42 Pa.C.S. § 5526(4) (relating to five year limitation) or any other provision of law to the contrary, a proceeding to challenge just compensation or other damages if a redevelopment authority has exercised powers of condemnation pursuant to this act and made payment in accordance with section 407(a) or (b) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," is subject to a one-year statute of limitations.

(19.2 added Oct. 2, 2002, P.L.796, No.113)

Section 20. Effective Date.--This act shall become effective immediately upon final enactment.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/26/2020

4. Applicant Identifier:

Butler County Coalition

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

PA

8. APPLICANT INFORMATION:

* a. Legal Name:

County of Butler Pennsylvania

* b. Employer/Taxpayer Identification Number (EIN/TIN):

(b) (6)

* c. Organizational DUNS:

0721716630000

d. Address:

* Street1:

PO Box 1208

Street2:

124 West Diamond Street

* City:

Butler

County/Parish:

PA

* State:

PA: Pennsylvania

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

16001-5780

e. Organizational Unit:

Department Name:

Economic Development & Planning

Division Name:

County of Butler, Pennsylvania

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Mark

Middle Name:

Stephen

* Last Name:

Gordon

Suffix:

Title:

Chief of Economic Development and Planning

Organizational Affiliation:

County of Butler

* Telephone Number:

724-284-5300

Fax Number:

724-284-5315

* Email:

mgordon@co.butler.pa.us

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-06

* Title:

FY21 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Butler County Coalition Community-Wide Assessment Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant 16-PA

* b. Program/Project 16-PA

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2021

* b. End Date: 09/30/2024

18. Estimated Funding (\$):

* a. Federal	600,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	600,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Mark

Middle Name: Stephen

* Last Name: Gordon

Suffix:

* Title: Chief of Economic Development and Planning

* Telephone Number: 724-284-5300 Fax Number: 724-284-5315

* Email: mgordon@co.butler.pa.us

* Signature of Authorized Representative: Mark S Gordon * Date Signed: 10/26/2020